

No. 13
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Tuesday, February 19, 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 not present.

Bennett—present
Bullard—present
Byrum—present
Cherry—excused
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—excused
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Kenneth R. Sikkema of the 31st District offered the following invocation:

This is the day that the Lord has made; let us rejoice and be glad in it.

Lord, we thank You for the opportunity that You've given us to serve. We come from all parts of Michigan with different experiences, ideas, backgrounds, and political affiliations. We have different priorities and different thoughts on what we think is important, but we are here with one common purpose and that is to serve this state and its citizens. In all our deliberations today, we ask You to help us to work together with this common purpose in our minds and in our hearts.

This and more we ask in Your name. Amen.

Senator Schwarz entered the Senate Chamber.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:03 a.m.

10:15 a.m.

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

During the recess, Senators Schuette, Sanborn, McCotter, Garcia, Gougeon, Bennett, Johnson, North, Steil, Goschka, Stille, Hammerstrom, Van Regenmorter, McManus, Shugars, Bullard and Gast entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

The motion prevailed.

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

The motion prevailed.

Senator Emerson moved that Senators Cherry and Vaughn be excused from this week's sessions.

The motion prevailed.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Schwarz admittance to the Senate floor, including the center aisle.

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

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and the Gallery.

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:16 a.m.

10:28 a.m.

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

During the recess, Senator Schwarz introduced to the Senate Katie Harman, Miss America 2002. Ms. Harman responded briefly.

During the recess, Senators Young and DeGrow entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 14:
House Bill Nos. 4401 4781 4782 5151 5298 5398 5399 5440 5441 5442 5443 5444 5445 5446
5480 5486

The Secretary announced the printing and placement in the members' files on Thursday, February 14, of:
Senate Bill Nos. 1095 1096 1097 1098 1118 1119 1120 1121
House Bill Nos. 5636 5637

The Secretary announced the printing and placement in the members' files on Friday, February 15, of:
House Bill No. 5674

Messages from the Governor

The following messages from the Governor were received:

Date: February 14, 2002
 Time: 12:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 434 (Public Act No. 10), being

An act to amend 1975 PA 238, entitled “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

(Filed with the Secretary of State on February 14, 2002, at 4:38 p.m.)

Date: February 14, 2002
 Time: 12:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 682 (Public Act No. 7), being

An act to amend 1846 RS 84, entitled “Of divorce,” by amending section 17a (MCL 552.17a), as amended by 1990 PA 243.

(Filed with the Secretary of State on February 14, 2002, at 4:32 p.m.)

Date: February 14, 2002
 Time: 12:47 p.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 683 (Public Act No. 8), being

An act to amend 1966 PA 138, entitled “An act to confer jurisdiction upon the circuit courts to order and enforce the payment of money for the support, in certain cases, of parents having physical custody of minor children or children who have reached the age of majority and of minor children or children who have reached the age of majority by noncustodial parents; to provide for the termination of the effectiveness of the orders; and to provide for the payment of fees and assessment of costs in those cases,” 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.

(Filed with the Secretary of State on February 14, 2002, at 4:34 p.m.)

Date: February 14, 2002
Time: 12:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 684 (Public Act No. 9), being

An act to amend 1970 PA 91, entitled “An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 722.22), as amended by 1999 PA 156. (Filed with the Secretary of State on February 14, 2002, at 4:36 p.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received and read:

February 14, 2002

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Construction Code Commission

Ms. Sondra Houlton, 55 Booth Road, Mio, Michigan 48647, county of Oscoda, as a member representing the general public, succeeding herself, for a term expiring on January 31, 2004.

Mr. Ronald Marian Krochmalny, 441 South Beach Daly Road, Dearborn Heights, Michigan 48125, county of Wayne, as a member representing organized labor, succeeding himself, for a term expiring on January 31, 2004.

Mr. Frank T. Mamat, 5484 Crispin Way Road, West Bloomfield, Michigan 48323, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on January 31, 2004.

Mr. Esteban Cabello, 5608 Charlesworth, Dearborn Heights, Michigan 48127, county of Wayne, as a member representing professional engineers, succeeding himself, for a term expiring on January 31, 2004.

February 14, 2002

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointments to office:

Michigan Dairy Market Program Committee

Mr. John H. Kronemeyer, 7065 E. Taylor Road, Pickford, Michigan 49774, county of Mackinac, as a member representing the Michigan Milk Producers Association, succeeding himself, for a term expiring on December 31, 2004.

Mr. David M. Lott, 1655 N. Meridian Road, Mason, Michigan 48854, county of Ingham, as a member representing the Michigan Milk Producers Association, succeeding himself, for a term expiring on December 31, 2004.

Mr. James W. Reid, 7096 Vincent Road, Jeddo, Michigan 48032, county of St. Clair, as a member representing the Michigan Milk Producers Association, for a term expiring on December 31, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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 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.

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. 859
House Bill No. 4028

Senate Bill No. 887
Senate Bill No. 889
Senate Bill No. 892
Senate Bill No. 897
Senate Bill No. 1060
Senate Bill No. 1061
Senate Bill No. 1062
Senate Bill No. 1063
Senate Bill No. 1064
Senate Bill No. 1067
Senate Bill No. 1068
Senate Bill No. 1069
Senate Bill No. 1070
Senate Bill No. 1071
Senate Bill No. 1072
Senate Bill No. 1073
Senate Bill No. 1074
Senate Bill No. 1076
Senate Bill No. 1080
Senate Bill No. 1081
Senate Bill No. 1083
Senate Bill No. 1084
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 859, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 7 (MCL 124.507), as amended by 1985 PA 10.

The question being on the passage of the bill,
 Senator Emmons offered the following substitute:
 Substitute (S-2).

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

The question being on the passage of the bill,

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

Roll Call No. 160

Yeas—33

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

Nays—0

Excused—3

Cherry

Smith

Vaughn

Not Voting—2

Dingell

McCotter

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4028, entitled

A bill to establish procedures for municipalities to designate individual lots or structures as blighting; to purchase or condemn blighting property; to transfer blighting property for development; 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. 161**Yeas—33**

Bennett

Garcia

Koivisto

Schuette

Bullard

Gast

Leland

Schwarz

Byrum

Goschka

McCotter

Scott

DeBeaussaert

Gougeon

McManus

Sikkema

DeGrow

Hammerstrom

Miller

Steil

Dingell

Hart

Murphy

Stille

Dunaskiss

Hoffman

North

Van Regenmorter

Emerson

Johnson

Peters

Young

Emmons

Nays—2

Sanborn

Shugars

Excused—3

Cherry

Smith

Vaughn

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 887, entitled

A bill to amend 1937 PA 329, entitled "An act providing for compensation to certain peace officers injured in active duty, and payment to surviving spouses and dependents in case of death arising from active duty; and to make an appropriation therefor," by amending section 3 (MCL 419.103).

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. 162**Yeas—32**

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

Nays—0**Excused—3**

Cherry	Smith	Vaughn
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Not Voting—3

Schwarz	Scott	Young
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In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 889, entitled

A bill to amend 1933 PA 89, entitled “An act to prevent fraud, deception and imposition in the solicitation within the state of Michigan of the deposit of bonds, notes, debentures and other evidences of indebtedness under, and/or the consent of the holders or owners of such securities, to a protective committee agreement, and to prevent fraud, deception and imposition in the operations and activities of protective committees organized within the state of Michigan to act for and in behalf of the holders or owners of such securities, and for such purposes to create a commission to regulate and supervise the establishment and the operations of protective committees, depositaries under protective committee agreements, and solicitors for protective committee agreements; to authorize said commission to have supervision over defaulted bonds, notes, debentures, certificates of participation and similar evidences of indebtedness; to prescribe the powers and duties of such commission; to license members of protective committees, depositaries under protective committee agreements and solicitors for protective committee agreements; to regulate and supervise and control the solicitation by anyone of bonds, notes, debentures and all other similar evidences of indebtedness, issued by the maker of any security for the purpose of procuring the modification and/or amendment and/or foreclosure of any instrument in writing securing any issue of bonds, notes, debentures and all other similar evidences of indebtedness; to authorize such commission to act as custodian or receiver and appoint custodians, agents and managers of defaulted mortgage property under orders of court or otherwise; to prescribe penalties for violation of this act; and to repeal Act No. 37 of the Public Acts of the first extra session of 1932,” by amending section 13 (MCL 451.313).

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. 163**Yeas—35**

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars

DeBeussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	Murphy	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Peters	Van Regenmorter
Emerson	Johnson	Sanborn	Young
Emmons	Koivisto	Schuette	

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 892, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 204 and 208 (MCL 500.204 and 500.208).

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. 164

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 897, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled “An act to create the Michigan veterans’ trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act,” by amending sections 7 and 8 (MCL 35.607 and 35.608).

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. 165

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 1060, entitled

A bill to repeal 1870 (Ex Sess) PA 5, entitled “An act to authorize the introduction of water into, and the construction or purchase of hydraulic works in the cities and villages in the state of Michigan,” (MCL 123.111 to 123.130).

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. 166

Yeas—35

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars

DeBeaussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	Murphy	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Peters	Van Regenmorter
Emerson	Johnson	Sanborn	Young
Emmons	Koivisto	Schuette	

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1061, entitled

A bill to repeal 1923 PA 60, entitled "An act to authorize the board of supervisors of any county of this state, severally, or in conjunction with the legislative body or board of any 1 or more cities or villages having a population in excess of 5,000 according to the last official census to establish and operate a public agricultural produce market or markets or sell, exchange or abandon the same," (MCL 46.101 to 46.104).

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. 167

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1062, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending section 2 (MCL 123.872), as added by 1985 PA 9.

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. 168

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1063, entitled

A bill to amend 1981 PA 97, entitled "Michigan municipal distributable aid bond act," by amending section 10 (MCL 141.1030), as amended by 1987 PA 281; 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. 169

Yeas—35

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

Nays—0

Excused—3

Cherry

Smith

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1064, entitled

A bill to amend 1990 PA 72, entitled “Local government fiscal responsibility act,” by amending sections 12, 21, and 33 (MCL 141.1212, 141.1221, and 141.1233), section 33 as amended by 1992 PA 265.

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. 170

Yeas—35

Bennett

Garcia

Leland

Schwarz

Bullard

Gast

McCotter

Scott

Byrum

Goschka

McManus

Shugars

DeBeaussaert

Gougeon

Miller

Sikkema

DeGrow

Hammerstrom

Murphy

Steil

Dingell

Hart

North

Stille

Dunaskiss

Hoffman

Peters

Van Regenmorter

Emerson

Johnson

Sanborn

Young

Emmons

Koivisto

Schuette

Nays—0

Excused—3

Cherry

Smith

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1067, entitled

A bill to amend 1971 PA 182, entitled “An act to permit a city or village owning and operating a public utility to borrow money for a term not to exceed 5 years for the purpose of purchasing, acquiring, constructing, improving, enlarging, extending or repairing the facilities of the public utility; to issue notes or other evidences of indebtedness therefor; to repay such borrowing from the revenues of the utility; to permit the pledging or assignment of bonds or

other securities or evidences of debt held as investments for said public utility to secure such borrowings; and to provide other powers, rights and duties,” by amending sections 1 and 2 (MCL 460.461 and 460.462), section 2 as amended by 1983 PA 121.

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. 171

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1068, entitled

A bill to repeal 1919 PA 325, entitled “An act to authorize and empower cities to own and acquire land, by gift, purchase, condemnation, or otherwise, for the erection of memorials to soldiers and sailors; to authorize the erection of such memorials and determine the character thereof; to provide for the appropriation of money for the acquisition, erection and maintenance thereof, for the assessment, levy and collection of taxes, the borrowing of money, and the issuing of bonds therefor, and for the custody, control and management of such memorials,” (MCL 35.871 to 35.873).

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. 172

Yeas—35

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

Nays—0

Excused—3

Cherry

Smith

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1069, entitled

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 41.801), as amended by 1998 PA 545.

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. 173

Yeas—35

Bennett

Garcia

Leland

Schwarz

Bullard

Gast

McCotter

Scott

Byrum

Goschka

McManus

Shugars

DeBeaussaert

Gougeon

Miller

Sikkema

DeGrow

Hammerstrom

Murphy

Steil

Dingell

Hart

North

Stille

Dunaskiss

Hoffman

Peters

Van Regenmorter

Emerson

Johnson

Sanborn

Young

Emmons

Koivisto

Schuette

Nays—0

Excused—3

Cherry

Smith

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1070, entitled

A bill to repeal 1911 PA 228, entitled “An act to authorize the boards of supervisors of the several counties in this state to borrow money, and issue bonds therefor, for the purchase of land and improve the same by the erection of buildings and other improvements thereon or for the purpose of improving and erecting buildings upon lands already purchased and held by said county to be used for the purpose of holding thereon fairs and exhibitions of an agricultural character,” (MCL 46.111).

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. 174

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1071, entitled

A bill to repeal 1911 PA 26, entitled “An act to legalize the proceedings taken by any village in the state of Michigan, incorporated under Act No. 3 of the Public Acts of 1895, as amended, authorizing the issuance of bonds for the purpose of securing an additional water supply and extending the municipal lighting plant of any such village,” (MCL 79.1 to 79.2).

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. 175

Yeas—35

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
DeBeaussaert	Gougeon	Miller	Sikkema

DeGrow	Hammerstrom	Murphy	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Peters	Van Regenmorter
Emerson	Johnson	Sanborn	Young
Emmons	Koivisto	Schuette	

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1072, entitled

A bill to repeal 1925 PA 209, entitled “An act to authorize any incorporated village having a population of 1,000 or less, which may be the county seat of any county in this state, to borrow money, and issue bonds therefor, for the purpose of buying or building a courthouse or jail or both for said county in such village, upon approval of the electors of said village,” (MCL 79.41 to 79.43).

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. 176

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1073, entitled

A bill to amend 1929 PA 312, entitled “The metropolitan district act,” by amending sections 4 and 5 (MCL 119.4 and 119.5).

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. 177

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1074, entitled

A bill to amend 1925 PA 234, entitled “An act to provide for the creation and establishment of port districts; to prescribe their rights, powers, duties and privileges; to prescribe their powers of regulation in certain cases; to prescribe their powers in respect to acquiring, improving, enlarging, extending, operating, maintaining and financing various projects and the conditions upon which certain of said projects may extend into another state or county,” by amending section 32 (MCL 120.32).

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. 178

Yeas—35

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
DeBeaussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	Murphy	Steil

Dingell
Dunaskiss
Emerson
Emmons

Hart
Hoffman
Johnson
Koivisto

North
Peters
Sanborn
Schuette

Stille
Van Regenmorter
Young

Nays—0

Excused—3

Cherry

Smith

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1076, entitled

A bill to amend 1989 PA 292, entitled “Metropolitan councils act,” by amending section 19 (MCL 124.669), as amended by 1998 PA 373.

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. 179

Yeas—35

Bennett
Bullard
Byrum
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Cherry

Smith

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1080, entitled

A bill to amend 1987 PA 204, entitled "Low-level radioactive waste authority act," by amending section 20a (MCL 333.26220a).

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. 180

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1081, entitled

A bill to repeal 1931 PA 316, entitled "An act to authorize cities and villages to construct, own, equip, operate, maintain and improve works for the disposal of sewage; to authorize charges against owners of premises for the use of such works and to provide for the collection of the same; to authorize cities and villages to issue revenue bonds payable solely from the revenues of such works; and to make such bonds exempt from taxation and to make them lawful investments of sinking funds; to authorize contracts for the use of such works by private corporations and by other cities and villages and political subdivisions and charges against owners of premises therein served thereby," (MCL 123.201 to 123.220).

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. 181

Yeas—35

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars

DeBeaussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	Murphy	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Peters	Van Regenmorter
Emerson	Johnson	Sanborn	Young
Emmons	Koivisto	Schuette	

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1083, entitled

A bill to repeal 1941 PA 66, entitled "An act validating all proceedings heretofore had by the governing body of any city in this state having a water front bordering on any navigable waters which has heretofore provided for the acquisition, improvement and repair of water front facilities and improvements and for the issuance of revenue bonds in payment of the cost thereof; validating provisions which may have been made by such cities for the operation and control of such facilities and improvements; granting to such cities the right to license ferries and similar commercial craft and to impose fees and charges for the use of public piers, wharves, docks and landing places therein and to regulate and license the construction, operation, maintenance and business of owning private piers, wharves, docks and landing places of boats, ferries and craft on and adjacent to any lands bordering on such navigable waters with power to cancel such licenses and to make rules and regulations governing the construction, operation and maintenance thereof; validating any agreements which may have been entered into for the leasing of any part of such facilities or improvements; authorizing the issuance of such bonds; and granting supervision and regulation by such cities of all lands located therein which border on such navigable waters, including lands owned by the state of Michigan," (MCL 123.601 to 123.604).

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. 182

Yeas—35

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

Nays—0

Excused—3

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1084, entitled

A bill to amend 1976 PA 448, entitled “Michigan energy employment act of 1976,” by amending section 42 (MCL 460.842), as amended by 1983 PA 120.

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. 183**Yeas—35**

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

Nays—0**Excused—3**

Cherry	Smith	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4009

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Stille as Chairperson.

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

Senate Bill No. 842, entitled

A bill to repeal 1998 PA 379, entitled "Michigan tax lien sale and collateralized securities act," (MCL 211.921 to 211.941).

House Bill No. 5205, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2000 PA 306.

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. 881, entitled

A bill to create the Michigan community communications development authority; to create funds and accounts; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority; to make an appropriation; and to repeal acts and parts of acts.

Substitute (S-6).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 24, line 10, after "Sec. 26." by striking out "The" and inserting "Except to the extent necessary to maintain an element of the broadband infrastructure already acquired or financed under this act, the".

2. Amend page 24, following line 13, by inserting:

"Sec. 27. The authority shall be subject to the reporting requirements under 2001 PA 34 for any bonds or notes issued under this act."

The Senate agreed to the substitute, as amended, 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. 999, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," (MCL 207.1 to 207.21) by adding section 13b.

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. 882, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3341.

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 amendment, the following bill:

Senate Bill No. 912, entitled

A bill to amend 1905 PA 311, entitled "An act with respect to the furnishing of bonds by state officers, their deputies, and officers of state institutions; to provide for the payment of the cost of such bonds, and to prescribe the places of filing the same," by amending sections 1 and 2 (MCL 15.71 to 15.72).

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

1. Amend page 2, line 5, after "state" by striking out the balance of the section and inserting a period.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 975, entitled

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions," by amending section 17 (MCL 46.367), as amended by 1983 PA 177.

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. 4009, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2a (MCL 21.142a), as amended by 1987 PA 27.

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. 880, entitled

A bill to create a telecommunication rights-of-way oversight authority; to establish a Michigan telecommunications service improvement fund; to provide for fees; to prescribe the powers and duties of certain state agencies and officials; to provide for penalties; and to repeal acts and parts of acts.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 6, after "provider" by striking out the balance of the line through "mobile" on line 7 and inserting "or services does not include a provider or services of any federally licensed commercial mobile radio".
2. Amend page 4, line 18, after "right-of-way." by striking out the balance of the line through "purpose." on line 20.
3. Amend page 4, line 23, after "(1)" by striking out "The" and inserting "Pursuant to section 27 of Article VII of the state constitution of 1963, the".
4. Amend page 5, following line 17, by inserting:
 "(5) The authority shall promulgate rules for the implementation and administration of this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328."
5. Amend page 9, line 21, after "this" by striking out "subsection" and inserting "section".
6. Amend page 9, line 26, after "under" by striking out "this section" and inserting "subsections (3) and (4)".
7. Amend page 12, line 10, after "of" by inserting "such".
8. Amend page 12, line 11, after "as" by inserting "initially constructed for and".
9. Amend page 12, line 12, after "by" by striking out "the" and inserting "a".
10. Amend page 13, line 2, after "subsection" by striking out "(8)" and inserting "(10)".
11. Amend page 13, line 12, after "application." by inserting "Upon certification by the commission of the documentation provided in subdivisions (a) and (b), a provider shall qualify for a credit equal to the costs paid under this act and shall not be subject to subsection (15) if the provider files the following documentation under this subsection:
 (a) Verification of the costs paid by the provider under this act.
 (b) Verification that the provider's rates and charges for basic local exchange service, including revenues from intrastate subscriber line or end-user line charges, do not exceed the commission's approved rates and charges for those services."
12. Amend page 15, line 20, after "A" by inserting "county,".
13. Amend page 15, line 24, after "for" by striking out "municipality or" and inserting "county, municipality, or governmental entity, or".
14. Amend page 15, line 25, after "nal" by striking out "municipality or" and inserting "county, municipality, governmental entity, or".
15. Amend page 15, line 26, after "The" by inserting "county,".

16. Amend page 16, line 5, after “the” by inserting “county, another governmental entity.”
17. Amend page 16, line 7, after “A” by inserting “county.”
18. Amend page 16, line 8, after the second “the” by inserting “county.”
19. Amend page 16, line 10, after “the” by inserting “county, another governmental entity.”
20. Amend page 16, line 11, after “compensation.” by inserting “For the purposes of this subsection, utility services include billing and metering services performed for an alternative electric supplier, an alternative gas supplier, electric utility, electric transmission provider, natural gas utility, or a water utility.”
21. Amend page 22, line 14, after “a” by inserting “county.”
22. Amend page 22, line 17, after “a” by inserting “county or”.
23. Amend page 22, line 19, after the second “a” by inserting “county or”.
24. Amend page 22, line 23, after “the” by inserting “county or”.
25. Amend page 23, line 2, after “using” by striking out the balance of the line through “principles.” on line 3 and inserting “accounting standards developed under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.”
26. Amend page 23, line 4, after “A” by inserting “county or”.
27. Amend page 23, line 5, after “with” by striking out the balance of the line through “principles.” on line 6 and inserting “accounting standards developed under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.”
28. Amend page 23, line 8, after “15.246.” by striking out the balance of the line through “15.246.” on line 14.
29. Amend page 23, line 20, after “more” by inserting “county or”.
30. Amend page 23, line 22, after “A” by inserting “county or”.
31. Amend page 23, line 22, after “a” by inserting “county or”.
32. Amend page 24, line 21, after “a” by inserting “county.”
33. Amend page 24, line 26, after “a” by striking out “municipality, or an affiliate” and inserting “county, municipality, or an affiliate for compensation”.
34. Amend page 24, line 27, after the second “the” by inserting “county.”
35. Amend page 25, line 4, after “the” by inserting “county’s or”.
36. Amend page 25, line 7, after “a” by inserting “county or”.
37. Amend page 25, line 12, after “a” by inserting “county or”.
38. Amend page 25, line 14, after “that” by inserting “county or”.

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

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Leland’s statement is as follows:

I don’t know where I’m going with this. I’ve got three stories to tell. Try to follow me and stay with me. Yesterday was a profoundly sad day for me in Detroit. It was probably one of the worst days I’ve ever had being in politics. It started out in the morning going to a funeral service for Officer Mike Scanlon. Many of you may have read about him in the newspaper, and he was buried yesterday. He was murdered last week, stabbed several times in the neck, and he bled to death. Mike Scanlon was a neighbor of mine. He was a police officer in the precinct right behind my house. We knew him very well in the community, and he was an anchor for so many things, very well-loved and respected by my residents. He did things in the precinct that were well beyond the call of duty. In fact, the night that he was murdered, he could have just gone home, but it was when his shift was ending and he decided to make the last run of the evening. He could have called for back-up, but he didn’t. He tried to apprehend the person fleeing, and as I said, he was ultimately killed.

The funeral yesterday was just incredible. It was a blue sea of police officers lined up on Grand River Avenue. There were approximately 3,000 police officers. They were there from literally all over the state, other parts of the country, and even the OPP from Toronto, the Ontario Provincial Police, sent some police officers from Toronto. It was a very well-diversified group of men and women. They were young and old, African American and white, American Indian, Arab, Christian, and Jew. It was just an incredible sight to see—all these people. They walked in the Christ the King Church where he was laid out, and 3,000 police officers saluted Mike Scanlon individually. It was a very touching ceremony.

Another one of my constituents was buried yesterday, a woman by the name of Mickey Brunges. Now no one heard about Mickey, but Mickey was a constituent who lived in my district—a very difficult part of my district. She was 91

when she passed away. The woman had a very difficult life. She raised a developmentally disabled child. Several years ago, there was a fire in her house, and her child perished. But even with all her troubles—she was widowed early on—she always attended community functions, and she was another anchor in the community. She went to all the events and participated. She mothered everybody, and you couldn't ask for a more beautiful person to be part of your neighborhood. I was very saddened that she passed away, and unfortunately, I missed her funeral yesterday. I'm certain I would have been a pallbearer there.

As I left the church yesterday after Michael Scanlon's service, I stopped at a place kinda like the local greasy spoon called Albert's Hamburger Place, and I found out some very tragic news about Mike Albert yesterday. It was just really a bad day. Mike owned the hamburger place for many, many years. In fact, about ten years ago, it was burned down, and he didn't need to rebuild. But the community just loved him and loved his hamburgers, so they asked him—pleaded with him—and Albert's rebuilt another restaurant on the same location. He spent ten years after that doing good work in the community: feeding the hungry, helping poor people, and being everything, all things to anyone who had a problem. Mike Albert was just always there, and he was a very loved individual.

Well, several months ago, Mike was robbed and was beaten to near death with a lead pipe. He actually lived through that ordeal but certainly suffered some major brain damage. I found out yesterday—and I was very sad because I found out two months after the fact—that Mike from Albert's was laid to rest a couple months ago. He died from his injuries.

I tell you these stories because we have some really good people who live in Detroit. These three people happened to live in my district—really outstanding people. We just lost three good people yesterday, and I just wanted to share that with you.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Goschka, Johnson and Garcia introduced

Senate Bill No. 1122, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 18a (MCL 388.1618a), as amended by 1996 PA 300.

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

Senator Goschka introduced

Senate Bill No. 1123, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 109 (MCL 560.109), as amended by 1997 PA 87.

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

Senator North introduced

Senate Bill No. 1124, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 717 and 719 (MCL 257.717 and 257.719), section 717 as amended by 2000 PA 7 and section 719 as amended by 2000 PA 306.

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

Senator Bullard introduced

Senate Bill No. 1125, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 401. The bill was read a first and second time by title and referred to the Committee on Financial Services.

House Bill No. 4401, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2a of chapter IV (MCL 764.2a).

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. 4781, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 215 (MCL 750.215), as amended by 1991 PA 145.

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

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

House Bill No. 4782, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2001 PA 19.

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. 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 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. 5298, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 36 of chapter VIII (MCL 768.36).

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. 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.

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. 5399, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 2000 PA 370.

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. 5440, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81d.

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. 5441, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2001 PA 20.

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. 5442, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 479 and 479a (MCL 750.479 and 750.479a), section 479a as amended by 1998 PA 344.

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. 5443, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2000 PA 473.

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. 5444, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 483a (MCL 750.483a), as added by 2000 PA 451.

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. 5445, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 122 (MCL 750.122), as added by 2000 PA 452.

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. 5446, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 120a (MCL 750.120a), as amended by 2000 PA 450.

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. 5480, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 297f.

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 Farming, Agribusiness and Food Systems.

House Bill No. 5486, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 58, 67, 69, 71, 90, 90a, 108, 112, 135, 173, and 176 (MCL 559.158, 559.167, 559.169, 559.171, 559.190, 559.190a, 559.208, 559.212, 559.235, 559.273, and 559.276), sections 58, 67, 69, 90, 108, 112, and 135 as amended and sections 90a and 176 as added by 2000 PA 379, section 71 as amended by 1982 PA 538, and section 173 as amended by 1983 PA 113; and to repeal acts and parts of acts.

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

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 809, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 1998 PA 510.

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, Dingell and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1028, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 503 and 504 (MCL 750.503 and 750.504).

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, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4690, entitled

A bill to enter into the interstate compact for the supervision of adult offenders; and for related purposes.

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, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4859, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 1993 PA 169.

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.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: Senator Scott

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

The Committee on Judiciary reported

House Bill No. 5393, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 160, and by adding sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12j, 12k, 12m, and 12n to chapter XVII.

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.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, February 13, 2002, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Appropriations reported

House Bill No. 4009, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan

of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2a (MCL 21.142a), as amended by 1987 PA 27.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, February 13, 2002, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Hoffman and Murphy

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, February 14, 2002, at 9:10 a.m., Room 210, Farnum Building

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

Excused: Senators Steil, Scott and Vaughn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Friday, February 15, 2002, at 10:00 a.m., Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Center, Saginaw

Present: Senators Schwarz (C), Hoffman and Smith

Excused: Senators McManus and Koivisto

Scheduled Meetings

Appropriations - Wednesday, February 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Community Colleges - Wednesday, February 20, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960) (CANCELED)

Community Health - Thursday, February 21, 1:30 p.m. and Monday, March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

Corrections - Wednesdays, February 20 and February 27, 1:00 p.m., Room 100, Farnum Building, and Tuesday, March 5, 1:00 p.m., Room 210, Farnum Building (373-2413)

Environmental Quality - Tuesdays, February 26 and March 5, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Higher Education - Friday, February 22, 9:30 a.m., Oakland University, Library Drive, 242 Elliott Hall, Rochester; Friday, March 1, 10:00 a.m., Calvin College, 3201 Burton S.E., Hekman Library, Meeter Center Lecture Hall, Grand Rapids; and Friday, March 8, 9:30 a.m., University of Michigan-Ann Arbor, 909 S. University Drive, William L. Clements Library, Ann Arbor (373-3447)

Natural Resources - Wednesdays, February 20, February 27 and March 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

School Aid and Department of Education - Wednesday, February 20, 2:00 p.m.; Tuesdays, February 26 and March 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

Education - Wednesday, February 20, 3:30 p.m., Room 210, Farnum Building (373-7350)

Families, Mental Health and Human Services - Wednesday, February 27, 3:00 p.m., Room 100, Farnum Building (373-3543)

Farming, Agribusiness and Food Systems - Wednesday, February 20, 1:00 p.m., Room 405, Capitol Building (373-1725)

Human Resources and Labor - Wednesday, February 20, 1:00 p.m. or later immediately following session, Room 110, Farnum Building (373-1801)

Judiciary - Wednesday, February 20, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Transportation and Tourism - Wednesday, February 20, 3:00 p.m., Room 110, Farnum Building (373-1758)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:51 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, February 20, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.