

**No. 31**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Tuesday, April 16, 2002.

10:00 a.m.

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

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

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

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

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

Senator Bill Schuette of the 35th District offered the following invocation:

Dear Heavenly Father, as we gather on this day, we'd ask that You would be with us in all decisions that we make, that we would show wisdom and impartiality and even temperament with all with whom we deal and the decisions we make on a policy basis for the state of Michigan. We pray that all we would do will be in the highest standards that You would approve. We ask this in Your name. Amen.

Senators Sikkema and DeGrow entered the Senate Chamber.

### Motions and Communications

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

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

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

Senator Emerson moved that Senator Vaughn be excused from this week's sessions. The motion prevailed.

Senator Murphy entered the Senate Chamber.

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

The motion prevailed.

Senator Peters' statement is as follows:

Today at my desk is a fine gentleman who has been an intern in my office since January, Robert Kantner. He is a junior at the University of Michigan. He is studying political science, and I understand he is also working on a second major or at least a minor in contemporary Western European studies. He has done just an outstanding job in my office on constituent relations and has certainly represented the University of Michigan very well in his daily activities. He's looking forward to graduating in a year. He still has not decided what he would like to do, but I think he is very interested in politics and hopes possibly to pursue a legal career as well as go through law school.

I'd like my colleagues to wish him well in his endeavors at the University of Michigan and then his career aspirations thereafter.

The following communications were received:

Department of State

#### Administrative Rules Notices of Filing

March 27, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:46 a.m. this date, administrative rule (02-03-08) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, entitled "*Regulation 852, Upper Peninsula State Fair*," effective 7 days hereafter.

April 2, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:50 a.m. this date, administrative rule (02-04-01) for the Department of Consumer and Industry Services, Director's Office, entitled "*Overhead and Gantry Cranes*," effective 7 days hereafter.

April 2, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:52 a.m. this date, administrative rule (02-04-02) for the Department of Consumer and Industry Services, Unemployment Agency Director's Office, entitled "Unemployment Agency Rules," effective 7 days hereafter.

April 3, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:12 a.m. this date, administrative rule (02-04-03) for the Department of Consumer and Industry Services, Director's Office, entitled "Controlled Substances," effective 7 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Elena L. Beasley, Manager  
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:  
Department of Environmental Quality

April 8, 2002

I am pleased to enclose with this letter the annual report regarding brownfield plans and work plans submitted to the Department of Environmental Quality (DEQ) pursuant to the reporting requirements of Section 15(12) of the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended. The report summarizes information provided by local Brownfield Redevelopment Authorities from January 1, 2001 through December 31, 2001.

The Act 381 program continues to be an important factor in promoting redevelopment of Michigan's brownfield sites. If you have any questions regarding this or any other aspects of our cleanup and redevelopment program, please contact Mr. Andrew W. Hogarth, Acting Chief, Environmental Response Division, at 517-373-9838, or you may contact me.

Sincerely,  
Russell J. Harding  
Director  
517-373-7917

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 11:  
**House Bill Nos. 4428 5607**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, April 15, for his approval the following bills:

- Enrolled Senate Bill No. 829 at 3:08 p.m.**
- Enrolled Senate Bill No. 830 at 3:10 p.m.**
- Enrolled Senate Bill No. 831 at 3:12 p.m.**
- Enrolled Senate Bill No. 832 at 3:14 p.m.**
- Enrolled Senate Bill No. 835 at 3:16 p.m.**
- Enrolled Senate Bill No. 903 at 3:18 p.m.**
- Enrolled Senate Bill No. 904 at 3:20 p.m.**
- Enrolled Senate Bill No. 905 at 3:22 p.m.**
- Enrolled Senate Bill No. 906 at 3:24 p.m.**

The Secretary announced the printing and placement in the members' files on Thursday, April 11, of:

|                         |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>Senate Bill Nos.</b> | <b>1217</b> | <b>1218</b> | <b>1219</b> | <b>1220</b> | <b>1221</b> |             |             |             |             |             |             |             |             |             |
| <b>House Bill Nos.</b>  | <b>5820</b> | <b>5821</b> | <b>5822</b> | <b>5823</b> | <b>5824</b> | <b>5825</b> | <b>5826</b> | <b>5827</b> | <b>5828</b> | <b>5829</b> | <b>5830</b> | <b>5831</b> | <b>5832</b> | <b>5833</b> |
|                         | <b>5834</b> | <b>5835</b> | <b>5836</b> | <b>5837</b> | <b>5838</b> | <b>5839</b> | <b>5840</b> | <b>5841</b> | <b>5842</b> | <b>5843</b> | <b>5844</b> | <b>5845</b> | <b>5846</b> | <b>5847</b> |
|                         | <b>5848</b> | <b>5849</b> | <b>5850</b> | <b>5851</b> | <b>5852</b> | <b>5853</b> | <b>5854</b> | <b>5855</b> | <b>5856</b> | <b>5857</b> | <b>5858</b> | <b>5859</b> | <b>5860</b> | <b>5861</b> |
|                         | <b>5862</b> | <b>5863</b> | <b>5864</b> | <b>5865</b> | <b>5866</b> | <b>5867</b> | <b>5868</b> | <b>5869</b> | <b>5870</b> | <b>5871</b> | <b>5872</b> | <b>5873</b> | <b>5874</b> | <b>5875</b> |
|                         | <b>5876</b> | <b>5877</b> | <b>5878</b> | <b>5879</b> | <b>5880</b> | <b>5881</b> |             |             |             |             |             |             |             |             |

The Secretary announced the printing and placement in the members' files on Friday, April 12, of:

**Senate Bill Nos. 1222 1223 1224 1225 1226**

**House Bill Nos. 5882 5883 5884 5885 5886 5887 5888 5889 5890 5891 5892 5893**

### Messages from the Governor

The following messages from the Governor were received:

Date: April 10, 2002

Time: 5:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 346 (Public Act No. 164), being**

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 2922a (MCL 600.2922a), as added by 1998 PA 211.

(Filed with the Secretary of State on April 11, 2002, at 11:26 a.m.)

Date: April 10, 2002

Time: 5:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 971 (Public Act No. 165), being**

An act to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 87c (MCL 211.87c), as amended by 1999 PA 123; and to repeal acts and parts of acts.

(Filed with the Secretary of State on April 11, 2002, at 11:28 a.m.)

Date: April 10, 2002

Time: 5:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 973 (Public Act No. 166), being**

An act to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 89 (MCL 211.89), as amended by 1982 PA 503.

(Filed with the Secretary of State on April 11, 2002, at 11:30 a.m.)

Respectfully,  
John Engler  
Governor

The following message from the Governor was received on April 11, 2002, and read:

EXECUTIVE ORDER  
2002 - 7

**Child Support Coordinating Council  
Michigan Child Support Leadership Council**

**Executive Reorganization**

Whereas, the family constitutes the basic unit of society, children represent the future of our state and society, and government policies should encourage and recognize the involvement and contributions of both parents in the successful upbringing of their children; and

Whereas, the payment of child support contributes to family self-sufficiency, fosters responsible behavior toward and by children, and sends a powerful message to children about the support of both parents; and

Whereas, the benefits of establishing paternity and the involvement of both parents include a sense of identity, financial support, social security, insurance, inheritance rights, and access to important family medical history; and

Whereas, the child support enforcement program in Michigan is operated through a partnership of the state and counties, the success of which relies on the contributions and efforts of all branches of government.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following, concurrent with the Michigan Supreme Court Administrative Order issued on this date:

**I. DEFINITIONS**

A. "Council" means the Michigan Child Support Leadership Council established by this Executive Order.

B. "Child Support Coordinating Council" means the council established by Executive Order 1997-17.

C. "Family Independence Agency" means the principal department of state government created by Section 1 of Act No. 280 of the Public Acts of 1939, as amended, being Section 400.1 of the Michigan Compiled Laws.

D. "State Court Administrative Office" means the office established by the Michigan Supreme Court to perform administrative duties as assigned by the court pursuant to Article VI, Section 3, of the Constitution of the state of Michigan of 1963.

**II. ESTABLISHMENT OF THE CHILD SUPPORT LEADERSHIP COUNCIL**

A. The Michigan Child Support Leadership Council is hereby established as an advisory body to the Executive Office of the Governor and the Michigan Supreme Court.

B. The council shall consist of nine (9) members:

1. Four (4) appointed by the Governor;

2. Four (4) appointed by the Chief Justice; and,

3. One (1) appointed jointly by the Governor and Chief Justice from a list of three (3) nominees submitted by the Prosecuting Attorneys Association of Michigan.

C. Except as otherwise provided in this subsection, appointees shall hold office for a term of two (2) years. However, of the appointees initially appointed, the Governor shall designate two (2) of the Governor's appointees to serve a term of one (1) year, and the Chief Justice shall designate two (2) of the Chief Justice's appointees to serve a term of one (1) year.

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

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

**III. CHARGE TO THE COUNCIL**

The council shall be advisory in nature and shall assist the Governor and the Michigan Supreme Court with the following functions:

A. The council shall develop recommendations for statewide program goals and objectives for the child support program for submission to the Governor and the Chief Justice as follows:

1. Each year the council shall submit recommendations for annual statewide goals and objectives, as well as strategies to accomplish those goals and objectives, to the Governor and Chief Justice. Copies of the recommendations shall also be provided to the Director of the Family Independence Agency and the State Court Administrator. The Governor and Chief Justice, within sixty (60) days, may amend the recommendations and approve them or approve them as submitted.

2. The council shall submit an interim report on its recommendations to the Governor and Chief Justice by September 30, 2002. Thereafter, the Council shall submit annual reports on its recommendations to the Governor and Chief Justice by December 31st each year, beginning in December 2002. The annual reports shall include a summary of issues reviewed by the Council for the calendar year for which the report is issued.

B. The council shall continuously provide reviews of and comments on child support program policies and procedures to the Family Independence Agency and the State Court Administrative Office.

C. The council shall regularly analyze and recommend state positions on pending and proposed changes in court rules and federal and state legislation to the Family Independence Agency and the State Court Administrative Office.

#### **IV. OPERATIONS OF THE COUNCIL**

A. The Governor and the Chief Justice shall each designate a member of the council to serve as co-chairperson of the council who shall share the powers of directing the council equally. The co-chairpersons shall serve as co-chairpersons at the pleasure of the Governor and the Chief Justice respectively.

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

C. Members of the council shall not delegate their responsibilities to other persons. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The council shall act by a majority vote of its serving members.

D. The council shall meet at least quarterly and at the call of the co-chairpersons as may be provided in the procedures of the council. Meetings of the council may be held at any location within the state of Michigan.

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

F. Policy changes in federal or state laws or court rules shall be presented to the council by the Office of Child Support (federal or state law change), the State Court Administrative Office (state law or court rule change), or be submitted to either co-chairperson from other sources. The council shall develop a format for presentation and discussion of issues, which shall include an opportunity for issues to be raised through information sharing during regular meetings or to be placed on the agenda through either co-chairperson.

G. If the council cannot reach agreement on an issue requiring its recommendation, the alternative positions shall be documented in writing for consideration by the Governor and Chief Justice.

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

I. Members of the council shall refer all legal, legislative and media contacts to the Executive Office of the Governor and the Michigan Supreme Court.

J. The council shall be staffed by personnel within the Executive Office of the Governor, the Michigan Supreme Court, the Family Independence Agency and the State Court Administrative Office.

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

#### **V. MISCELLANEOUS**

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

B. Executive Order 1997-17, creating the Child Support Coordinating Council, is hereby rescinded in its entirety as of the effective date of this order. The Child Support Coordinating Council created by Executive Order 1997-17 is hereby abolished as of the effective date of this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 11th day of April, in the Year of our Lord, Two Thousand Two.

John Engler  
Governor

By the Governor:

Candice S. Miller  
Secretary of State

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

The following messages from the Governor were received and read:

April 11, 2002

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

#### **Blue Cross Blue Shield of Michigan Board of Directors**

Mr. Peter F. Secchia, 2833 Bonnell Avenue SE, East Grand Rapids, Michigan 49506, county of Kent, as a member representing general public retirees over the age of 62, succeeding The Honorable Maureen P. Reilly of Grosse Pointe Park, whose term has expired, for a term expiring on February 18, 2004.

Ms. Sharon Ann Wise, 1851 North Chipman Road, Owosso, Michigan 48867, county of Shiawassee, as a member representing the general public, succeeding herself, for a term expiring on February 18, 2004.

Mr. Louis A. Smith, 14 Peninsula Hills Drive, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing the general public, succeeding Mr. Wallace D. Riley of Grosse Pointe Farms, whose term has expired, for a term expiring on February 18, 2004.

Mr. George J. Perles, 6153 West Longview, East Lansing, Michigan 48823, county of Ingham, as a member representing general public retirees over the age of 62, succeeding Mr. Roy A. Westran of Brighton, whose term has expired, for a term expiring on February 18, 2004.

April 11, 2002

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

**Military Appeals Tribunal**

Mr. Michael W. Zehnder, 7358 Chipmunk Hollow, Clarkston, Michigan 48346, county of Oakland, as a member representing the general public, succeeding himself, for a term beginning on April 17, 2002 and expiring on April 16, 2006.

April 11, 2002

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

**Michigan Veterans' Facilities Board of Managers**

Mr. Richard E. LaFave, P.O. Box 1104, Gwinn, Michigan 49841, county of Marquette, as a member representing Veterans of Foreign Wars, succeeding himself, for a term expiring on February 28, 2008.

April 12, 2002

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

**Construction Safety Standards Commission**

Mr. Peter J. Strazdas, 7130 Crown Point Circle, Portage, Michigan 49002, county of Kalamazoo, as a member representing public sector construction, succeeding himself, for a term expiring on March 18, 2005.

Mr. Daniel J. Corbat, 1513 Bookness Street, Midland, Michigan 48640, county of Midland, as a member representing construction employees, succeeding himself, for a term expiring on March 18, 2005.

Mr. Andrew R. Lang, 4664 North Waldo Road, Midland, Michigan 48642, county of Midland, as a member representing construction employees, succeeding himself, for a term expiring on March 18, 2005.

Mr. Edward W. Tanzini, 5005 Dale Court, Midland, Michigan 48642, county of Midland, as a member representing construction management, succeeding Mr. Thomas J. Hansen of Midland, whose term has expired, for a term expiring on March 18, 2005.

April 12, 2002

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

**Employment Relations Commission**

Mr. Harry W. Bishop, 8562 Forest Creek Drive East, Port Austin, Michigan 48467, county of Huron, as a member representing Republicans, succeeding himself, for a term beginning on July 1, 2002 and expiring on June 30, 2005.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

Senator Bullard entered the Senate Chamber.

**Messages from the House**

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

**Senate Bill No. 451**

**Senate Bill No. 452**

**Senate Bill No. 934**

The motion prevailed.

**Senate Bill No. 837, entitled**

A bill to amend 1995 PA 280, entitled "An act to authorize local units of government to accept financial transaction device payments," by amending section 1 (MCL 129.221).

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

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

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

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

**Senate Bill No. 838, entitled**

A bill to amend 1995 PA 266, entitled "An act to authorize and regulate credit card transactions involving local units of government, including the use of credit cards by officers and employees of local units of government; and to provide for powers and duties of certain state and local agencies, officers, and employees," by amending sections 1 and 2 (MCL 129.241 and 129.242), section 1 as amended by 2000 PA 169.

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

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

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

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

**Senate Bill No. 839, entitled**

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

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 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.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 916, entitled**

A bill to amend 1943 PA 92, entitled "An act to protect the interest of the public, acquired other than through taxation, in lands under the jurisdiction and control of the state land office board and department of conservation, and to make an appropriation therefor," by amending sections 1, 2, 3, and 4 (MCL 211.371, 211.372, 211.373, and 211.374).

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

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

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

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

Senator Shugars entered the Senate Chamber.

**Senate Bill No. 918, entitled**

A bill to amend 1897 PA 263, entitled "An act to authorize the auditor general to accept payment of taxes and charges from the owner of any description of land held by the state as state tax lands," by amending section 1 (MCL 211.541).

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

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

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

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

**Senate Bill No. 1006, entitled**

A bill to amend 1945 PA 327, entitled "An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state and by political subdivisions; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics," by amending section 85 (MCL 259.85), as amended by 1996 PA 370.

The House of Representatives has concurred in the Senate amendments to the House amendments.

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

**Senate Bill No. 1026, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 502 (MCL 750.502).

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 1027, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 41 (MCL 750.41).

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 1032, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 409 (MCL 750.409).

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 1057, entitled**

A bill to amend 1925 PA 12, entitled "An act to provide for the laying out and establishing of additional trunk line mileage; to make all roads that have been improved as federal aid projects, and all roads that have been, or that may hereafter be, approved for federal aid, trunk line highways; to provide for the widening, altering or straightening of trunk line highways; to provide for the abandonment, alteration or change of any portion of the trunk line highway; and to repeal all acts and parts of acts inconsistent herewith," by repealing section 2 (MCL 250.112).

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

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

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

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

**House Bill No. 5411, entitled**

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1225 (MCL 380.1225), as amended by 1997 PA 152.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 8, line 13, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act takes effect May 1, 2002."

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the full title.

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

**Senate Bill No. 1107, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11f, 11g, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 37, 38, 39, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 96, 98, 99, 107, 108, and 147 (MCL 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632d, 388.1637, 388.1638, 388.1639, 388.1641, 388.1651a, 388.1651c, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1698, 388.1699, 388.1707, 388.1708, and 388.1747), sections 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 98, 99, 107, and 147 as amended by 2001 PA 121 and sections 19, 37, 38, and 39 as amended and sections 96 and 108 as added by 2000 PA 297, and by adding sections 32i, 34, 39a, 51d, 55, 99a, and 121a; and to repeal acts and parts of acts.

(For Conference Report, see Senate Journal No. 30, p. 816.)

The House of Representatives has adopted the report of the Committee of Conference.

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

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 Byrum 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:

**House Bill No. 5102, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.283) by adding section 1a.

**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 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:  
**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. 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. 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.

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. 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.

Substitute (S-1).

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

1. Amend page 2, line 12, after "BATTER," by inserting "WOUND,".
2. Amend page 2, line 21, after "BATTER," by inserting "WOUND,".

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:  
**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.

Substitute (S-1).

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

1. Amend page 1, line 13, after "G" by striking out "Resisting" and inserting "ASSAULTING".

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:  
**House Bill No. 5601, 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.

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.

By unanimous consent the Senate proceeded to the order of

### **Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

I'm sure on your desks that you see that this is Pay Equity Day, and you have a new look through the glass ceiling. Well, Senator Alma Wheeler Smith had some bills on this, and I would like to make some remarks since she is not here today.

There was a study in January 2002 that the GAO figures show that women continue to lag behind men in advancement and pay. A study of ten industries shows wage gaps between male and female managers in seven of them widening between 1995 and 2000. In 1995, women in the communications industry earned 86 cents for every \$1.00 earned by a man. In 2000, the same full-time female managers earned 73 cents.

The salary gaps narrow in public sector jobs or those that are highly regulated: public administration, education, hospital, and medical services. Data shows that women work longer hours, paid and unpaid, than men and still perform the majority of unpaid household work. The pay gap is the widest among parents. In the ten industries studied, 60 percent of women managers do not have children at home, while two-thirds of male managers do. Clearly, parenting unfairly penalizes women in the workforce.

The ABA Commission on Women in the Profession found that women make up 46.5 percent of the workforce, but only 12 percent of all corporate officers.

In December 2001, the White House Project reported that after analyzing Sunday news programs, between January 2000 and June 2001, men guests outnumbered women 9 to 1, and that rotten ratio dropped by 39 percent after 9-11.

Every week of the year women have to work a full week and then Monday and half of Tuesday of the next week to receive wages equal to what those men received the previous week. Wage discrimination costs a woman \$523,000.00 over her lifetime. The taxes on this loss of income would go far to offset state budget deficits. "Women's work" is still undervalued and underpaid.

In the United States, the average pay of women, again as I indicated, is 73 percent of the average pay of men. In Michigan, women are only paid 67 percent of what men are paid. This results in a 33 cents wage gap between men and women and means that Michigan ranks 47th among the states in terms of pay equity.

Please call for hearings on House Bill Nos. 4648 and 4649 and Senate Bill No. 372, which would make it a violation of civil rights for an employer to fail or refuse to provide compensation equally for work of comparable value in terms of the composite skill, responsibility, effort, hours worked, experience, seniority, education or training, and working conditions because of religion, race, color, national group, age, sex, height, weight, or marital status.

Pay equity is a family issue. As long as women are shortchanged, families are shortchanged. As long as women are shortchanged, the state of Michigan is shortchanged.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senators Leland, Garcia, Hart, Peters, DeBeaussaert, Young, Scott, Dingell, Byrum, Smith, Cherry, Emerson, Koivisto and Murphy introduced

#### **Senate Bill No. 1227, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2110a (MCL 500.2110a), as added by 1996 PA 514.

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

Senator Schuette introduced

#### **Senate Bill No. 1228, entitled**

A bill to allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; to provide for protection from certain liability; and to provide for remedies.

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

Senators Hart, Miller, Koivisto, DeBeaussaert, Murphy, Byrum, Cherry and Peters introduced

#### **Senate Bill No. 1229, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 12531b and 12531c.

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

Senator Schwarz introduced

#### **Senate Bill No. 1230, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 1998 PA 393.

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

**House Bill No. 4428, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1233 (MCL 380.1233), as amended by 2000 PA 288.

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 Education.

**House Bill No. 5607, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8a, 8c, 19, and 24c (MCL 211.8a, 211.8c, 211.19, and 211.24c), section 8a as amended and section 8c as added by 1998 PA 537, section 19 as amended by 1996 PA 126, and section 24c as amended by 1996 PA 476.

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

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

**Committee Reports**

The Committee on Banking and Financial Institutions reported

**House Bill No. 5152, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 706a.

With the recommendation that the bill pass.

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

Valde Garcia  
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Steil and Scott

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, April 11, 2002, at 9:08 a.m., Room 210, Farnum Building

Present: Senators Garcia (C), Shugars, Steil and Scott

Excused: Senators Goschka, Miller, and Vaughn

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 5182, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 7 (MCL 338.887), as amended by 1992 PA 130.

With the recommendation that the bill pass.

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

Bill Schuette  
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Sanborn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 5472, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 2 (MCL 125.2652), as amended by 2000 PA 145.

With the recommendation that the bill pass.

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

Bill Schuette  
Chairperson

**To Report Out:**

Yeas: Senators Schuette, McCotter and Sanborn

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Economic Development, International Trade and Regulatory Affairs submitted the following:

Meeting held on Tuesday, April 9, 2002, at 1:08 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter and Sanborn

Excused: Senators Leland and Peters

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Tuesday, April 9, 2002, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Goschka (C), Gougeon and Murphy

**COMMITTEE ATTENDANCE REPORT**

The Conference Committee on Unemployment Compensation (HB 5763) submitted the following:

Meeting held on Tuesday, April 9, 2002, at 1:00 p.m., Room H-252, Capitol Building

Present: Senators Steil, DeGrow and Cherry

**COMMITTEE ATTENDANCE REPORT**

The Conference Committee on Unemployment Compensation (HB 5763) submitted the following:

Meeting held on Wednesday, April 10, 2002, at 11:35 p.m., Room H-252, Capitol Building

Present: Senators DeGrow, Emmons and Cherry

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Agriculture submitted the following:

Meeting held on Wednesday, April 10, 2002, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Gast and Koivisto

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on School Aid and Department of Education submitted the following:

Meeting held on Thursday, April 11, 2002, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building.

Present: Senators Stille (C), DeGrow and DeBeaussaert

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Thursday, April 11, 2002, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Goschka (C), Gougeon and Murphy

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Agriculture** - Wednesdays, April 17, April 24 and May 1, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Capital Outlay, Joint** - Thursday, April 25, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Career Development Strategic Fund Agency** - Wednesdays, April 17 and April 24, 1:00 p.m., Room 100, Farnum Building (373-2523)

**Consumer and Industry Services and History, Arts, and Libraries, Joint** - Tuesdays, April 23 and April 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

**Family Independence Agency** - Thursdays, April 18 and April 25, 1:00 p.m., Room 110, Farnum Building and Tuesday, April 23, 1:00 p.m., Room 210, Farnum Building (CANCELED) (373-1760)

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

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

**State Police and Military Affairs** - Thursdays, April 18, April 25 and May 2, 8:30 a.m., Room 110, Farnum Building (373-2426)

**Transportation** - Friday, April 19, 12:00 noon, St. James Township Hall, 37735 Michigan Avenue, Beaver Island; Monday, April 22, 10:00 a.m., Saginaw Township Offices, Board Meeting Room, 4980 Shattuck Road, Saginaw; Friday, April 26, 9:30 a.m., City/County Building Auditorium, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit; and Wednesday, May 1, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

#### **Conference Committees -**

**Home Solicitation Sales Do Not Call Register (HB 4042)** - Wednesday, April 24, 9:00 a.m., H-424, Capitol Building (373-0829)

**Home Solicitation Sales Unfair Practices (HB 4632)** - Wednesday, April 24, 9:00 a.m., H-424, Capitol Building (373-0829)

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

**Judiciary** - Wednesday, April 17, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

**Local, Urban and State Affairs** - Wednesday, April 17, 3:00 p.m., Room 405, Capitol Building (373-1707)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:39 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, April 17, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

