

No. 35
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, April 24, 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—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

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

Our Lord and our God, we come to You this morning thanking You for the beauty of Your creation. We are reminded that You have called us to be stewards over this creation and as elected officials to be stewards over the state of Michigan and its many needs and opportunities.

We're also mindful this morning of the many needs of the members of this body and the people we work with. You have said, "Blessed are those who mourn, for they shall be comforted." We invoke that blessing upon our co-worker, Pam Nyquist, and her family who recently lost a mother and grandmother.

There are other needs in this body that You are aware of, and we ask for Your blessing and Your help and Your Spirit. This and more we ask in Your name. Amen.

Motions and Communications

Senator Emmons moved that Senator DeGrow 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.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 23:
House Bill Nos. 4726 5242

The Secretary announced the printing and placement in the members' files on Tuesday, April 23, of:
Senate Bill No. 1248

Messages from the Governor

The following messages from the Governor were received:

Date: April 23, 2002
Time: 10:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 903 (Public Act No. 167), being

An act to amend 1909 PA 269, entitled "An act to revise the laws relating to Michigan state university; and to prescribe the powers and duties of the board of trustees of Michigan state university," by amending section 20 (MCL 390.120).

(Filed with the Secretary of State on April 23, 2002, at 2:22 p.m.)

Date: April 23, 2002
Time: 10:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 904 (Public Act No. 168), being

An act to amend 1931 PA 96, entitled "An act to provide for the construction and maintenance of non-trunk line roads located within the limits of a United States forest," by amending section 3 (MCL 249.33).

(Filed with the Secretary of State on April 23, 2002, at 2:24 p.m.)

Date: April 23, 2002
Time: 10:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 905 (Public Act No. 169), being

An act to amend 1859 PA 143, entitled "An act relative to the university interest fund," by amending section 1 (MCL 21.211).

(Filed with the Secretary of State on April 23, 2002, at 2:26 p.m.)

Date: April 23, 2002
Time: 10:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 906 (Public Act No. 170), being

An act to amend 1901 PA 232, entitled “An act to extend aid to the Michigan state college of agriculture and applied science,” by amending section 4 (MCL 390.224); and to repeal acts and parts of acts.

(Filed with the Secretary of State on April 23, 2002, at 2:28 p.m.)

Date: April 23, 2002
Time: 10:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 907 (Public Act No. 171), being

An act to amend 1925 PA 177, entitled “An act to protect and promote the public health and welfare, and to provide for the construction, maintenance and operation of hospitals and sanatoriums for the treatment of tuberculosis; and to make an appropriation therefor,” by amending sections 9 and 14 (MCL 332.159 and 332.164).

(Filed with the Secretary of State on April 23, 2002, at 2:30 p.m.)

Date: April 23, 2002
Time: 10:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 908 (Public Act No. 172), being

An act to amend 1947 PA 4, entitled “An act to authorize and provide for the borrowing of \$270,000,000.00 to make payments to persons who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, or to their next of kin or estates, and the issuance of certain serial bonds and serial notes for such indebtedness; to create a veterans’ military pay fund and a veterans’ bond redemption fund; to pledge the full faith and credit of the state; to provide for the payment of principal and interest on such serial obligations; to make appropriations therefor; and to make such serial notes and serial bonds exempt from taxation,” by amending section 1 (MCL 35.901).

(Filed with the Secretary of State on April 23, 2002, at 2:32 p.m.)

Date: April 23, 2002
Time: 10:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 909 (Public Act No. 173), being

An act to amend 1947 PA 12, entitled “An act to provide for payments to persons who served in the armed forces of the United States between September 16, 1940, and June 30, 1946, and to beneficiaries of such persons; to provide for payments to persons entitled to benefits under section 25, article X of the constitution of this state; to prescribe the powers and duties of the state administrative board and state officers with respect thereto; to provide for acceptance of financial and other assistance from the federal government; to provide for certain administrative expenses; to make certain appropriations; and to prescribe penalties for violations of the provisions of this act,” by amending section 8 (MCL 35.928).

(Filed with the Secretary of State on April 23, 2002, at 2:34 p.m.)

Date: April 23, 2002
Time: 10:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 910 (Public Act No. 174), being

An act to amend 1955 PA 8, entitled “An act to provide for payments to persons who served in the armed forces of the United States between June 27, 1950, and December 31, 1953, and to beneficiaries of such persons; to prescribe the power and duties of the state administrative board and state officers with respect thereto; to provide for acceptance

of financial and other assistance from the federal government; to create the Korean veterans' military pay fund in the state treasury; to make certain appropriations; and to prescribe penalties for violations of the provisions of this act," by amending sections 7 and 9 (MCL 35.977 and 35.979).

(Filed with the Secretary of State on April 23, 2002, at 2:36 p.m.)

Date: April 23, 2002

Time: 11:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 911 (Public Act No. 175), being

An act to amend 1945 PA 72, entitled "An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts," by amending section 5 (MCL 286.255).

(Filed with the Secretary of State on April 23, 2002, at 2:38 p.m.)

Date: April 23, 2002

Time: 11:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 912 (Public Act No. 176), being

An act 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).

(Filed with the Secretary of State on April 23, 2002, at 2:40 p.m.)

Date: April 23, 2002

Time: 11:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 913 (Public Act No. 177), being

An act to amend 1846 RS 60, entitled "Of the superintendence and disposition of the public lands," by amending section 19 (MCL 322.319).

(Filed with the Secretary of State on April 23, 2002, at 2:42 p.m.)

Date: April 23, 2002

Time: 11:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 915 (Public Act No. 178), being

An act to amend 1933 PA 162, entitled "An act to provide for the levy of certain additional taxes in municipal school districts," by amending section 5 (MCL 211.255).

(Filed with the Secretary of State on April 23, 2002, at 2:44 p.m.)

Date: April 23, 2002

Time: 11:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 916 (Public Act No. 179), being

An act 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).

(Filed with the Secretary of State on April 23, 2002, at 2:46 p.m.)

Date: April 23, 2002
Time: 11:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 918 (Public Act No. 180), being

An act 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).
(Filed with the Secretary of State on April 23, 2002, at 2:48 p.m.)

Respectfully,
John Engler
Governor

Senators Murphy and DeGrow 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

House Bill No. 5083

The motion prevailed.

The House of Representatives requested the return of

Senate Bill No. 856, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled “An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district’s boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district’s boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district’s boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies,” by amending section 11j (MCL 123.961j), as amended by 1983 PA 29; and to repeal acts and parts of acts.

Senator Emmons moved that the request of the House be granted.

The motion prevailed.

Senate Bill No. 1038, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing section 517 (MCL 750.517).

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. 1039, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing section 516 (MCL 750.516).

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. 1040, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 514 (MCL 750.514).
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. 1042, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 513 (MCL 750.513).
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. 1044, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 179 (MCL 750.179).
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. 1045, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2000 PA 279.
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. 1046, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 366 (MCL 750.366).
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. 1047, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16r of chapter XVII (MCL 777.16r), as amended by 2000 PA 279.
The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16r of chapter XVII (MCL 777.16r), as amended by 2002 PA 102.

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

Senate Bill No. 1048, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 266 (MCL 750.266).

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.

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 Dingell 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 bill:

House Bill No. 4799, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 5j.

The bill 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. 1233, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 11 and 30 of chapter XIIA (MCL 712A.11 and 712A.30), section 11 as amended by 1996 PA 409 and section 30 as amended by 1996 PA 561.

Substitute (S-1).

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

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

Senate Bill No. 1234, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IX (MCL 769.1a), as amended by 1998 PA 231.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1235, entitled

A bill to amend 1988 PA 13, entitled "Juvenile diversion act," by amending section 5 (MCL 722.825), as amended by 1996 PA 137.

Substitute (S-1).

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

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

Senate Bill No. 540, entitled

A bill to authorize the state administrative board to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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.

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 205

Senate Resolution No. 206

Senate Resolution No. 207

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 205.

A resolution to commemorate the 50th Anniversary of St. John Hospital and Medical Center.

Whereas, The Michigan Senate takes great pride in celebrating the achievements of St. John Hospital and Medical Center on the occasion of its 50th Anniversary; and

Whereas, The founding values and principles of the Sisters of St. Joseph have remained a common thread that makes St. John a unique health care provider, employer, and community resource. The hospital that opened in 1952 has grown to a regional referral teaching hospital and member of a comprehensive health system. St. John Hospital and Medical Center, as a community-based facility, continues to provide close, convenient, and compassionate care to patients and their families; and

Whereas, St. John Hospital and Medical Center has achieved a national reputation for excellence and has been ranked one of the Top 100 Cardiovascular Hospitals in America; and

Whereas, St. John Hospital has grown from a 250-bed community hospital with 70 employees in 1952 to a 607-bed medical center with a 700-member medical staff and 4,900 employees; and

Whereas, Since the first heart bypass surgery performed in the 1970s, cardiac innovations have enabled St. John to offer almost every type of available diagnostic, surgical, and nonsurgical cardiac treatment, which is noted as an outstanding program in America; and

Whereas, The Emergency Center staff treats more than 76,400 patients annually as the major level one emergency center for the eastside community; and

Whereas, The St. John Hospital Neonatal Intensive Care Unit was one of the first units in Michigan to specialize in caring for premature, low-birth weight, and high-risk infants. As the only NICU of its kind on the eastside of Detroit, almost one-third of the unit's patients are transferred from other local hospitals. St. John is also a regional referral center for high-risk pregnancies; and

Whereas, 855 births took place in its first year, and 3,893 babies were born in 2001 at the ultra-modern St. John Birthing Center—one of the largest in the country, with the capacity to serve 31 mothers, infants, and families for labor, delivery, recovery, and postpartum care in homelike private rooms; and

Whereas, St. John's medical education program is affiliated with Wayne State University, opening new opportunities for cooperative teaching arrangements and serving as a major teaching facility with faculty and resident doctors in numerous specialties; and

Whereas, In 1989, the first laparoscopic gallbladder removal procedure in Michigan took place at St. John Hospital. Laparoscopic surgery techniques are used in many areas, making it possible for patients to return home the next day.

St. John Hospital received the first laparoscopic live kidney donation, and more than 80 have been administered so far, which is the most in the state. St. John can also boast of an organ transplant program with one of the highest success rates in the country, performing more than 500; and

Whereas, The Van Elslander Cancer Center (VECC), a state-of-the-art facility, focuses on achieving harmony of body, mind, and spirit in offering holistic treatment and conventional cancer therapies. The VECC is affiliated with the University of Michigan Cancer Center Network, and along with the U of M and other St. John Health System hospitals, treats more than 14,000 new cancer cases every year—the most in the region. Its patients have access to every national clinical trial, which ranks them as one of only 13 such centers nationwide; and

Whereas, Thousands of patients, medical staff, employees, volunteers, and community supporters have come together during the past 50 years to foster the mission of the Sisters of St. Joseph to heal and to serve. Together, they have assured that St. John Hospital and Medical Center will continue as a valued community health resource; now, therefore, be it

Resolved by the Senate, That the members of this legislative body, on behalf of all whose lives have been touched by this institution, extend congratulations and accolade to the dedicated staff, volunteers, and support staff of St. John Hospital and Medical Center as they celebrate the hospital's 50th Anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to the St. John Hospital and Medical Center as an expression of our praise and appreciation.

Senator Shugars was named co-sponsor of the resolution.

Senator Young offered the following resolution:

Senate Resolution No. 206.

A resolution to commemorate the Traylor-Moragne Family Reunion—June 2002.

Where two or three are gathered together in
my name, there am I in the midst of them.

—Matthew 18:20

Whereas, It is a great personal privilege and an honor to salute the Traylor-Moragne family as they come together this year for their annual Traylor-Moragne Family Reunion, to be held for the first time in Detroit on June 28-30, 2002; and

Whereas, It is indeed an honor to welcome the members of the Traylor and Moragne families as they gather for this special event. Family members will come from all across the country to celebrate. Since its inception, the Traylor-Moragne families have found the reunions to be a perfect opportunity for scattered kin to gather and reminisce. It provides them time for updates on what has transpired in the lives of those they cherish and love who live too great a distance to keep in close contact; and

Whereas, The present members of this large and dispersed family trace their ties back many generations to the Traylor and Moragne family names. Family history begins with the marriages of two brothers and two sisters. Moses Traylor married Elizabeth Moragne, and Willie Traylor married Lillie Moragne. From these two marriages came six generations of descendants; and

Whereas, Members of the Traylor-Moragne family will travel to the Motor City from all across the country, including nine states and the District of Columbia, combining three days of visiting, playing, praying, and savoring the best of Michigan. We are confident that the Traylor-Moragne family will leave with a refreshing view of Michigan and the city of Detroit following their three days of Northern hospitality from their Michigan-based relatives. They have certainly gone all out in their preparations, and we wish them every success; now, therefore, be it

Resolved by the Senate, That in recognition of the 2002 annual Traylor-Moragne Family Reunion on June 28-30, 2002, we hereby salute the organizers of this event; and be it further

Resolved, That a copy of this resolution be transmitted to the members of the Traylor-Moragne family in appreciation and respect for their love and commitment to family ties.

Senators Scott, Young, North, Hart, Murphy and Leland offered the following resolution:

Senate Resolution No. 207.

A resolution commemorating the life and career of Lawrence Taylor.

Whereas, Lawrence Taylor, former district manager of Western Wayne Child and Family Services training center, passed away January 12, 2002. He was devoted to his family and committed to his work; and

Whereas, Mr. Taylor became district manager at the Western Wayne district office in January 1999, and prior to that, had built a distinguished career with the Michigan Family Independence Agency, starting in 1978 as a clerk-typist; and

Whereas, After earning his master's degree in social work, his career advanced through the ranks of eligibility specialist, child welfare specialist, program manager for adult and children's programs, and as a district manager in both Wayne and Oakland Counties; and

Whereas, At the time of his death, Lawrence Taylor managed an office of over 175 professional child welfare employees, serving the entire out-Wayne County area and the westside of Detroit; and

Whereas, During his years with the Family Independence Agency, Mr. Taylor led the development of community social service programs and initiatives through partnerships with local agencies; and

Whereas, While Lawrence Taylor's career accomplishments are many, his personal commitment and distinguished service in the community are nothing short of outstanding. He is best remembered for his volunteer work with Detroit youth; now, therefore, be it

Resolved by the Senate, That this legislative body hereby offer this memorial commemorating the life and career of the late Lawrence Taylor in recognition of his significant contributions to the people of the state of Michigan. May his family find comfort in their faith and their memories of this fine man and his distinguished career; and be it further

Resolved, That a copy of this resolution be transmitted to his wife Leatha Taylor and to other family members as a symbol of the high regard in which his memory is held by the state of Michigan.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Emmons moved to reconsider the vote by which consideration of the following bill was postponed for today:

House Bill No. 5083

The motion prevailed.

The question being on the motion that further consideration of the bill be postponed for today, Senator Emmons withdrew the motion.

House Bill No. 5083, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2217. Substitute (H-3).

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

Senator Bennett offered the following substitute to the House substitute:

Substitute (S-3).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 447

Yeas—33

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Gougeon
Hart
Hoffman
Koivisto
Leland
McCotter

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—4

DeGrow

Goschka

Hammerstrom

Johnson

In The Chair: Schwarz

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

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

The Senate agreed to the full title.

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:

House Bill No. 5568

House Bill No. 5752

House Bill No. 5755

The motion prevailed.

The following bill was read a third time:

House Bill No. 5568, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2000 PA 247.

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. 448**Yeas—34**

Bennett

Bullard

Byrum

Cherry

DeBeaussaert

Dingell

Gast

Goschka

Gougeon

Hart

Hoffman

Johnson

McManus

Miller

Murphy

North

Peters

Sanborn

Scott

Shugars

Sikkema

Smith

Steil

Stille

Emerson
Emmons
Garcia

Koivisto
Leland
McCotter

Schuette
Schwarz

Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—3

DeGrow

Dunaskiss

Hammerstrom

In The Chair: Schwarz

Senator Emmons moved that Senators Dunaskiss and Hammerstrom be excused from the balance of today's session.
The motion prevailed.

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

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:

House Bill No. 5752, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by repealing sections 712 and 713 (MCL 257.712 and 257.713).

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. 449

Yeas—34

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
Dingell
Emerson
Emmons
Garcia

Gast
Goschka
Gougeon
Hart
Hoffman
Johnson
Koivisto
Leland
McCotter

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—4

DeGrow

Dunaskiss

Hammerstrom

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

Senator Goschka stated that had he been present when the vote was taken on concurring in the House substitute to the following bill, he would have voted “yea”:

House Bill No. 5083

Senator DeGrow entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5755, entitled

A bill to repeal 1927 PA 98, entitled “An act authorizing the state highway commissioner of the state of Michigan to enter into an agreement with the Wisconsin state highway commission to construct an interstate bridge project extending from approximately the intersection of Ogden avenue and Chandler street in the city of Menominee, Michigan, in a straight line terminating at the approximate center of Dunlap square in the city of Marinette, Wisconsin, and to provide for the cost and expense thereof,” (MCL 254.121 to 254.123).

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. 450**Yeas—35**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hammerstrom

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Bullard's statement is as follows:

I'm honored today to introduce to the Senate an intern who's worked in my office this spring, and she's leaving our office. Her name is Elizabeth Fessler. She'll be a senior one week from today after she finishes her exams—she is majoring in pre-law. Her family is here behind us: her brother Rob who is a recent graduate of Michigan State University, her mother Marilyn who is a former township official, her grandmother Mary Meissner who is 91 years old, and Barbara Timmerman, a good friend. Many of you may have known Elizabeth's father, Richard Fessler, who was my state Senator from 1983-1990. So when she came into my office, she said, "Politics is in my blood," and that was a literal statement.

Since Liz has been working with us, she's been working on constituent relations. Like most interns, she has honed her numerical and mathematical skills on a survey of constituents, and she's come up with a lot of innovative ideas for our office. We will miss her greatly, and we want to wish her the best of luck. In a few years when she's an attorney, maybe she'll be back here. I wish you would recognize Elizabeth Fessler, and wish her good luck on her future life.

By unanimous consent the Senate returned to the order of
Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

April 24, 2002

Effective immediately, I am making the following temporary changes to committees:

Senior Citizens and Veterans Affairs - Senator Goschka will serve as Chair, Senator Garcia will serve as Vice Chair.

Technology and Energy - Senator Hammerstrom will serve as Chair.

Sincerely,
Dan L. DeGrow
Senate Majority Leader

The standing committee appointments were approved, a majority of the members serving voting therefor.

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

Senator Goschka introduced

Senate Bill No. 1243, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2169 (MCL 600.2169), as amended by 1993 PA 78.

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

Senator Goschka introduced

Senate Bill No. 1244, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912c (MCL 600.2912c), as added by 1986 PA 178.

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

Senator Goschka introduced

Senate Bill No. 1245, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5838a (MCL 600.5838a), as amended by 1993 PA 78.

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

Senator Goschka introduced

Senate Bill No. 1246, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912e (MCL 600.2912e), as amended by 1993 PA 78.

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

Senator Goschka introduced

Senate Bill No. 1247, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5855 (MCL 600.5855).

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

Senators Koivisto, Gougeon, Peters, Smith, McManus, Dingell, Byrum, DeBeaussaert and Goschka introduced

Senate Bill No. 1249, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912a (MCL 600.2912a), as amended by 1993 PA 78.

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

House Bill No. 4726, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5759 (MCL 600.5759).

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. 5242, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 8 (MCL 722.958).

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 Families, Mental Health and Human Services.

Committee Reports

The Committee on Finance reported

Senate Bill No. 593, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 594, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 595, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 451 (MCL 206.451), as amended by 1987 PA 254.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 824, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3a (MCL 205.93a), as amended by 1998 PA 366, and by adding section 3b.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1248, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4v (MCL 205.54v), as added by 1999 PA 116.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, April 23, 2002, at 1:08 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Friday, April 19, 2002, at 12:00 noon, St. James Township Hall, Beaver Island

Present: Senators Hoffman (C) and Goschka

Excused: Senator Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Monday, April 22, 2002, at 10:00 a.m., Saginaw Township Offices, Board Meeting Room, Saginaw

Present: Senators Hoffman (C) and Goschka

Excused: Senator Young

Scheduled Meetings

Appropriations - Wednesdays, May 1 and 8, and Tuesday, May 7, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Agriculture - Wednesday, 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)

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

Family Independence Agency - Thursday, April 25, 1:00 p.m., Room 110, Farnum Building (373-1760)

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

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

Transportation - 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)

Banking and Financial Institutions - Thursday, April 25, 8:45 a.m., and Friday, April 26, 10:00 a.m. and 1:00 p.m., Room 210, Farnum Building (373-2420)

Economic Development, International Trade and Regulatory Affairs - Tuesdays, May 7, May 14 and May 21, 1:00 p.m., Room 110, Farnum Building (373-7946)

Health Policy - Thursday, April 25, 11:30 a.m., Room 100, Farnum Building (373-0793)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:52 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, April 25, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

