

No. 51
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, May 30, 2002.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—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

Pastor George Spencer of New Hope Regional Church of Shelby Township offered the following invocation:

Almighty God, we give thanks this day, this Memorial Day, as we remember those who have given their lives for us. Lord, we would just ask that You would inspire us in much the same way as we give our lives for those we serve. May You be with the women and the men in this house this day. May You bless them, guide them, and use them for Your glory. We ask this in Your name. Amen.

Motions and Communications

Senator Emmons moved that Senators Garcia, Goschka, Schuette and Stille be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Leland entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:05 a.m.

11:36 a.m.

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

During the recess, Senators Hammerstrom, Goschka, Garcia, Stille and Schuette entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 29:

**House Bill Nos. 4180 4754 4823 4851 5336 5450 5971 6004 6005 6006 6007 6108 6109 6110
6111 6114**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 29, for his approval the following bills:

Enrolled Senate Bill No. 917 at 3:14 p.m.

Enrolled Senate Bill No. 1172 at 3:16 p.m.

Enrolled Senate Bill No. 893 at 3:18 p.m.

Enrolled Senate Bill No. 891 at 3:20 p.m.

The Secretary announced the printing and placement in the members' files on Wednesday, May 29, of:

House Bill Nos. 6129 6130 6131 6132 6133 6134 6135 6136 6137 6138 6139 6140

Messages from the House

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

Senate Bill No. 1102

Senate Bill No. 991

The motion prevailed.

Senate Bill No. 859, entitled

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

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

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

Roll Call No. 659**Yeas—36**

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

Nays—0**Excused—1**

Vaughn

Not Voting—1

Scott

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

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

Senate Bill No. 987, entitled

A bill to amend 1957 PA 4, entitled "Charter water authority act," by amending sections 15 and 16 (MCL 121.15 and 121.16); and to repeal acts and parts of acts.

(For text of amendment, see Senate Journal No. 48, p. 1383.)

The question being on concurring in the amendment made to the bill by the House,
 The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 660**Yeas—36**

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

Nays—0

Excused—2

Scott

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

House Bill No. 5643, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to repeal acts and parts of acts. Substitute (H-2).

The question being on concurring in the House substitute made to the Senate substitute,
The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 661

Yeas—0

Nays—36

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn

Schuetz
Schwarz
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Excused—2

Scott

Vaughn

Not Voting—0

In The Chair: Schwarz

House Bill No. 5644, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Substitute (H-2).

The question being on concurring in the House substitute made to the Senate substitute,
The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 662**Yeas—0****Nays—36**

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

Excused—2

Scott

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Scott entered the Senate Chamber.

House Bill No. 5647, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Substitute (H-2).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 663**Yeas—1**

Sikkema

Nays—36

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

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senate Bill No. 1103, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The House of Representatives has appointed Reps. Jelinek, Godchaux and Switalski as conferees to join with Senators Stille, Bennett and DeBeaussaert.

The bill was referred to the Conference Committee on May 29, 2002.

House Bill No. 5642, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Pumford, Vander Roest and Phillips as conferees.

The message was referred to the Secretary for record.

House Bill No. 5645, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Jansen, Toy and Switalski as conferees.

The message was referred to the Secretary for record.

House Bill No. 5650, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Cameron Brown, Pappageorge and Whitmer as conferees.

The message was referred to the Secretary for record.

House Bill No. 5651, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2003; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Shackleton, Kooiman and Stallworth as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 415, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 72113.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 422, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing sections 3520 and 3615 (MCL 600.3520 and 600.3615).

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. 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.

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. 738, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2021 (MCL 600.2021).

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. 841, entitled

A bill to amend 1981 PA 80, entitled "Fiscal stabilization act," by amending section 4 (MCL 141.1004), as amended by 1987 PA 279; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1981 PA 80, entitled "An act to authorize certain cities and counties to issue general obligation bonds or obligations to fund an operating deficit or projected operating deficit; to prescribe the powers and duties of the state administrative board; to provide for the levy of ad valorem property taxes to pay the principal and interest on the bonds or obligations; to prescribe certain conditions related to the bonds or obligations; and to provide remedies for enforcement of this act," by amending sections 4 and 7 (MCL 141.1004 and 141.1007), as amended by 1987 PA 279.

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

Senate Bill No. 1062, entitled

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

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending section 1 (MCL 123.871), as amended by 1985 PA 9; and to repeal acts and parts of acts.

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

Senate Bill No. 1074, entitled

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

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 1101, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 1204, entitled

A bill to amend 1951 PA 77, entitled "An act providing for the specific taxation of low grade iron ore, of low grade iron ore mining property, and of rights to minerals in lands containing low grade iron ores; to provide for the collection and distribution of the specific tax; to make an appropriation; and to prescribe the powers and duties of the state geologist and township supervisors and treasurers with respect to the specific tax," by amending sections 3 and 4 (MCL 211.623 and 211.624), section 4 as amended by 1994 PA 367.

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. 5556, entitled

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 48701 (MCL 324.48701), as added by 1995 PA 57.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 4, line 21, after "streams." by inserting "THE DEPARTMENT SHALL NOT RESTRICT CHILDREN UNDER 12 YEARS OLD FROM TAKING A MINIMUM OF 1 FISH, EXCEPT FOR STURGEON (ACIPENSER FULVESCENS), IN ANY TROUT STREAM."

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the full title.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 1358

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

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

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Steil 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:

Senate Bill No. 1324, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2001 PA 268.

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 amendments, the following bill:

Senate Bill No. 1358, entitled

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending section 1 (MCL 780.651), as amended by 2002 PA 128.

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

1. Amend page 1, line 1, after "a" by inserting "JUDGE OR DISTRICT COURT".
2. Amend page 1, line 4, after "the" by inserting "JUDGE OR DISTRICT COURT".
3. Amend page 2, line 8, after "judge" by inserting "OR DISTRICT COURT MAGISTRATE".

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Emmons moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 1324

Senate Bill No. 1358

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

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

Senate Bill No. 1323

Senate Bill No. 1324

Senate Bill No. 1358

Senate Bill No. 1137

Senate Bill No. 142

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1323, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2834, 2835, 2848, and 2888 (MCL 333.2803, 333.2834, 333.2835, 333.2848, and 333.2888), section 2835 as amended by 1999 PA 207.

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. 664

Yeas—37

Bennett
Bullard
Byrum

Garcia
Gast
Goschka

Leland
McCotter
McManus

Schwarz
Scott
Shugars

Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Miller
Murphy
North
Peters
Sanborn
Schuette

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1324, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 806 (MCL 257.806), as amended by 2001 PA 268.

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. 665

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1358, entitled

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 780.651), as amended by 2002 PA 128.

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. 666

Yeas—31

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

Nays—6

DeBeaussaert	Murphy	Smith	Young
Emerson	Scott		

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators McCotter, Byrum, North, Gougeon, Van Regenmorter, McManus, Garcia, Goschka, Schwarz and Stille moved that they be named co-sponsors of the bill.

The motion prevailed.

Protests

Senators Scott, Smith and DeBeaussaert, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1358.

Senator Scott moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

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

I rise in opposition to this bill because I believe that when a person’s home is searched, he or she should receive the information that the search warrant was based upon at the time of the search—not after waiting for charges to be filed or after waiting 56 days. This bill provides that a search warrant affidavit, which is the document used to establish probable cause grounds for issuing a warrant, is contained in any court file or court record retention system as nonpublic information. After 56 days following the issuance of the search warrant, the search warrant affidavit contained in the court files will become public information unless a prosecutor obtains a suppression order.

What happens when a person’s home is searched and they are never charged with a crime? What happens is that person has to wait 56 days to find out more information about why their house was searched.

Supporters of this bill will point out that a person has a right to obtain a copy of a search warrant affidavit from the prosecuting attorney or law enforcement agency under the Freedom of Information Act—FOIA. The reality is that a FOIA request is unlikely to be granted because the prosecutor can deny the release of the information based on the necessity to protect an ongoing investigation.

While this bill may improve recently passed legislation, I cannot support a bill that will result in a person waiting 56 days to find out why their home was searched. For these reasons, I'm opposing this bill, and I urge my colleagues to vote "no" on this bill.

Senator Smith's statement, in which Senator DeBeaussaert concurred, is as follows:

This bill that just passed represents a slight improvement in the legislation that we passed in this chamber and in the Legislature earlier. The media buys ink by the barrel, and they had a tremendous amount of influence in making this a little bit better for them. But for the individuals who are the subject of a search warrant, we have done nothing. I think that we need to go a step further.

The prosecutors, under the current process, already have the ability to redact information on witnesses. The logic that we are using to say that the subject of a search warrant doesn't need to have access for 56 days just doesn't hold water. So I voted "no" on the bill.

The following bill was read a third time:

Senate Bill No. 1137, entitled

A bill to authorize the issuance of general obligation bonds of this state to finance infrastructure improvements at Michigan public schools; to pledge the full faith and credit of this state for the payment of principal and interest on the bonds; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of this state.

The question being on the passage of the bill,

Senator Cherry moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 142, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1272d, 1351a, and 1613 (MCL 380.1272d, 380.1351a, and 380.1613), section 1272d as amended by 1993 PA 335, section 1351a as amended by 2002 PA 65, and section 1613 as added by 1982 PA 333, and by adding section 1292 and part 17a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

The question being on the adoption of the amendment,

1. Amend page 3, line 6, after "OF" by striking out the balance of the line through "SHALL" on line 7 and inserting "INFORMATION TECHNOLOGY IS ENCOURAGED TO".

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

Senator Peters offered the following amendment:

1. Amend page 11, line 25, after "FIRST" by striking out "YEAR" and inserting "3 YEARS".

Senator Stille requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 667

Yeas—36

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

Nays—0

Excused—1

Vaughn

Not Voting—1

Johnson

In The Chair: Schwarz

Senator Stille offered the following amendments:

1. Amend page 11, line 15, after “(2)” by striking out “AND (3)” and inserting a comma and “(3), AND (4)”.
2. Amend page 12, following line 2, by inserting:

“(3) FOR THE FIRST 3 YEARS AFTER MONEY IS AVAILABLE IN THE FUND, \$40,000,000.00 OF THE MONEY IN THE FUND SHALL BE SET ASIDE IN A RESTRICTED SUBACCOUNT TO BE USED ONLY FOR THE PURPOSES OF SECTION 1390.” and renumbering the remaining subsection.

3. Amend page 14, line 14, after “(1)” by striking out the balance of the line through “FUND” on line 15 and inserting “FOR THE FIRST 3 YEARS AFTER MONEY IS AVAILABLE IN THE FUND, THE MONEY IN THE RESTRICTED SUBACCOUNT UNDER SECTION 1388(3)”.

4. Amend page 14, line 17, after “BUILDINGS.” by inserting “AFTER THIS 3-YEAR PERIOD, MONEY IN THE FUND MAY BE USED FOR THE PURPOSES OF THIS SECTION.”.

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

Senator Smith offered the following amendment:

1. Amend page 15, following line 13, by inserting:

“(6) THE LOAN SHALL BE SECURED BY THE REAL AND PERSONAL PROPERTY OWNED BY THE PUBLIC SCHOOL ACADEMY.”.

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

Senators Stille and Peters offer the following amendments:

1. Amend page 5, following line 2, by inserting:

“(3) BONDS ISSUED BY SCHOOL DISTRICTS UNDER THIS SECTION AND SOLD TO THIS STATE UNDER PART 17A ARE NOT SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO 141.2821, BUT ARE SUBJECT TO THE AGENCY FINANCING REPORTING ACT.” and renumbering the remaining subsections.

2. Amend page 10, line 19, by striking out all of subdivision (C) and inserting:

“(C) REPAYMENTS OF BONDS PURCHASED FROM SCHOOL DISTRICTS AND REPAYMENTS OF LOANS TO PUBLIC SCHOOL ACADEMIES UNDER THIS PART.”.

3. Amend page 11, line 19, after the first “TO” by striking out “MAKE INTEREST-FREE LOANS TO” and inserting “PURCHASE INTEREST-FREE BONDS FROM”.

4. Amend page 11, line 23, by striking out all of subdivision (D).

5. Amend page 12, line 1, after “FOR” by striking out “LOANS UNDER SECTION 1389 FOR” and inserting “PURCHASING BONDS UNDER SECTION 1389 FROM”.

6. Amend page 12, line 6, after “TO” by striking out the balance of the line through “TO” on line 7 and inserting “PURCHASE INTEREST-FREE BONDS FROM”.

7. Amend page 12, line 8, after “FOR” by striking out “A LOAN” and inserting “STATE PURCHASE OF ITS BONDS”.

8. Amend page 12, following line 12, by inserting:

“(B) IF THE SCHOOL DISTRICT IS A SCHOOL DISTRICT DESCRIBED IN SUBSECTION (2)(B) TO (E), THAT IS SELLING ONLY A PORTION OF THE BONDS DESCRIBED IN SUBDIVISION (A) TO THIS STATE, THE SCHOOL DISTRICT SHALL ISSUE 2 BONDS: 1 BOND THAT MAY BE PURCHASED BY THIS STATE IN AN AMOUNT NOT TO EXCEED THE PERCENTAGE UNDER SUBSECTION (2)(B) TO (E) AND 1 BOND THAT WILL BE SOLD ON THE BOND MARKET IN AN AMOUNT EQUAL TO THE REMAINING PERCENTAGE.” and relettering the remaining subdivisions.

9. Amend page 12, line 15, after “2002.” by inserting “IF APPLICABLE, THE BALLOT QUESTION FOR APPROVAL OF THE BONDS SHALL STATE THAT 2 SEPARATE BONDS ARE BEING ISSUED, AS DESCRIBED IN SUBDIVISION (B).”.

10. Amend page 12, line 16, by striking out all of subdivision (C).

11. Amend page 12, line 21, after “AMOUNT” by striking out the balance of the line through “FUND” on line 22 and inserting “OF THE BOND THIS STATE MAY PURCHASE FROM”.

12. Amend page 13, line 1, by striking out “THE SCHOOL DISTRICT MAY BORROW” and inserting “OF THE BOND THE STATE MAY PURCHASE FROM THE SCHOOL DISTRICT”.

13. Amend page 13, line 2, after “ISSUE” by inserting “DESCRIBED IN SUBSECTION (1)(A)”.

14. Amend page 13, line 5, after “AMOUNT” by striking out “THE SCHOOL DISTRICT MAY BORROW” and inserting “OF THE BOND THIS STATE MAY PURCHASE FROM THE SCHOOL DISTRICT”.

15. Amend page 13, line 6, after the first “THE” by striking out the balance of the line and inserting “COMBINED TOTAL AMOUNT OF THE 2 BOND ISSUES DESCRIBED IN SUBSECTION (1).”.

16. Amend page 13, line 9, after “AMOUNT” by striking out “THE SCHOOL DISTRICT MAY BORROW” and inserting “OF THE BOND THIS STATE MAY PURCHASE FROM THE SCHOOL DISTRICT”.

17. Amend page 13, line 14, after the first “THE” by striking out the balance of the line and inserting “COMBINED TOTAL AMOUNT OF THE 2 BOND ISSUES DESCRIBED IN SUBSECTION (1).”.

18. Amend page 13, line 17, by striking out “THE SCHOOL DISTRICT MAY BORROW” and inserting “OF THE BOND THIS STATE MAY PURCHASE FROM THE SCHOOL DISTRICT”.

19. Amend page 13, line 18, after “THE” by striking out “BOND ISSUE” and inserting “COMBINED TOTAL OF THE 2 BOND ISSUES DESCRIBED IN SUBSECTION (1).”.

20. Amend page 13, line 19, after “AMOUNT” by striking out “A SCHOOL DISTRICT MAY BORROW” and inserting “OF THE BOND THIS STATE MAY PURCHASE FROM A SCHOOL DISTRICT”.

21. Amend page 14, line 1, after “TO” by striking out “OBTAIN A LOAN” and inserting “SELL A BOND TO THIS STATE”.

22. Amend page 14, line 5, by striking out all of subsection (5) and inserting:

“(5) BEFORE PURCHASING A BOND FROM A SCHOOL DISTRICT UNDER THIS SECTION, THE DEPARTMENT OF TREASURY SHALL DETERMINE THE TERMS OF THE BOND. ALL OF THE FOLLOWING APPLY TO THE TERMS OF THE BOND:

(A) THE BOND SHALL BE INTEREST-FREE.

(B) THE BOND PROCEEDS MAY BE USED ONLY FOR THE ACQUISITION, CONSTRUCTION, OR MAJOR RENOVATION OF 1 OR MORE SCHOOL BUILDINGS.

(C) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (D), THE BOND SHALL HAVE A TERM OF NOT MORE THAN 30 YEARS.

(D) SUBJECT TO SUBDIVISION (E), IF THE SCHOOL DISTRICT’S TAXABLE VALUE PER PUPIL IS IN THE LOWEST 1% AMONG SCHOOL DISTRICTS IN THIS STATE, THE BOND SHALL HAVE A TERM EQUAL TO THE NUMBER OF YEARS NEEDED TO REPAY THE BOND FROM THE REVENUE FROM LEVYING 4 MILLS FOR REPAYMENT OF THE BOND, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

(E) TO QUALIFY FOR A BOND TERM DESCRIBED IN SUBDIVISION (D), A SCHOOL DISTRICT SHALL DO BOTH OF THE FOLLOWING:

(i) LEVY 4 MILLS FOR THE REPAYMENT OF THE BOND. THESE MILLS SHALL BE LEVIED IN THE SAME MANNER AS OTHER DEBT MILLAGE UNDER THIS ACT AND THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157.

(ii) OBTAIN THE PRIOR APPROVAL OF THE STATE TREASURER FOR THE PROJECT FOR WHICH THE BOND PROCEEDS WILL BE USED, WHICH MUST BE FOR THE ACQUISITION, CONSTRUCTION, OR MAJOR RENOVATION OF 1 OR MORE SCHOOL BUILDINGS.”.

23. Amend page 14, line 11, after “A” by striking “LOAN” and inserting “BOND PURCHASED BY THIS STATE UNDER THIS SECTION”.

24. Amend page 15, following line 11, by inserting:

“(5) LOANS TO PUBLIC SCHOOL ACADEMICS UNDER THIS SECTION ARE NOT SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO 141.2821, BUT ARE SUBJECT TO THE AGENCY FINANCING REPORTING ACT.” and renumbering the remaining subsection.

25. Amend page 15, line 14, by striking out all of section 1391.

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

The question being on the passage of the bill,

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

Roll Call No. 668

Yeas—27

Byrum
Cherry

Gast
Gougeon

McManus
Miller

Sikkema
Smith

DeBeaussaert
DeGrow
Dingell
Emerson
Garcia

Hammerstrom
Hart
Hoffman
Koivisto
Leland

Murphy
North
Peters
Schwarz
Scott

Steil
Stille
Van Regenmorter
Young

Nays—10

Bennett
Bullard
Dunaskiss

Emmons
Goschka
Johnson

McCotter
Sanborn

Schuette
Shugars

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 1137, entitled

A bill to authorize the issuance of general obligation bonds of this state to finance infrastructure improvements at Michigan public schools; to pledge the full faith and credit of this state for the payment of principal and interest on the bonds; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of this state.

(This bill was read a third time earlier today and the consideration postponed. See p. 1436.)

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 669

Yeas—28

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Leland
McManus
Miller
Murphy
North
Peters
Schwarz

Scott
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—9

Bennett
Bullard
Dunaskiss

Emmons
Johnson

McCotter
Sanborn

Schuette
Shugars

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Emmons, Sanborn, Shugars, Dunaskiss, Bennett and Bullard, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 142 and 1137.

Senator Emmons' statement, in which Senators Shugars, Dunaskiss, Bennett and Bullard concurred, is as follows:

I voted "no" on these two bills not because I don't care about infrastructure, but I care about my taxpayers. We, in my area, have some very, very poor school districts. They have struggled. They've had many millage votes on infrastructure, and they have finally been able to put it together when they've put together a package that the people believe they can afford. Now these people who are hard-pressed to pay for their own building will be asked to pay for buildings away from their school districts and pay for their own school districts too. It's blatantly unfair to my taxpayers, and that's the reason I voted "no."

Senator Sanborn's statement, in which Senators Shugars, Dunaskiss, Bennett and Bullard concurred, is as follows:

I voted "no" on Senate Bill Nos. 142 and 1137 because I believe it's unfair to ask people to continue to pay bonds that they passed to improve their own schools, and then be required to subsidize bonds in other parts of the state. Also, given the difficult budget situations, taking \$30-\$50 million from the General Fund to cover the interest on these bonds is not appropriate at this time.

Senators Johnson, Shugars, Dunaskiss, Bennett and Bullard, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1137.

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

I don't know what the air is in this place today, but we've just spent several hours in caucus discussing the situation we're facing with our budget deficit. How anyone in this room can in good conscience encumber \$80 million annually for the next 20 years, without blinking an eye, is quite beyond me. It's totally irresponsible. Many of us have school districts that are in dire need of infrastructure repair, but good God, where are the dollars going to come from?

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

The motion prevailed.

Senator Stille's statement is as follows:

One of the previous speakers spoke about an \$80 million cost; it really is \$30 million.

Recess

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

The motion prevailed, the time being 12:43 p.m.

1:29 p.m.

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 228

Senate Resolution No. 229

Senate Resolution No. 230

The resolution consent calendar was adopted.

Senators DeBeaussiaert and Dingell offered the following resolution:

Senate Resolution No. 228.

A resolution honoring Ann Fletcher of Chesterfield Township, recipient of the Lifetime Achievement Award from the Engineering Society of Detroit.

Whereas, It is with deep respect and admiration that we acknowledge Ann Fletcher as she is honored with the Lifetime Achievement Award from the Engineering Society of Detroit (ESD). The ESD is a multi-disciplinary engineering society and one of the oldest nonprofits of its type in the United States. This most prestigious award will be presented at the ESD annual meeting at Meadowbrook Country Club on June 6, 2002; and

Whereas, Ms. Fletcher has been a member of the Engineering Society of Detroit since 1954. In her years with the society, she has been involved in many milestones and firsts. Ms. Fletcher was the first woman elected to the ESD's prestigious College of Fellows, the first woman to serve on the ESD Board of Directors, and the first woman to receive the ESD's Distinguished Service Award. Ann also served as a member and past president of the ESD Affiliate Council; and

Whereas, Ann Fletcher has also been active in many other professional organizations, including the Society of Women Engineers and the Society of Engineering Illustrators. She served in leadership positions and earned service awards for both organizations. Ms. Fletcher was a gubernatorial appointee to the Michigan Registration Board for Professional Community Planners (in 1975 for three terms and again in 1978), the Michigan Board of Podiatric Medicine and Surgery (public member in 1981), and the Michigan Department of Education Task Force on Mathematics and Science (1983); and

Whereas, Ms. Fletcher is a driving force in the Polish community in Michigan and an active member of many Polish organizations. She was a founding member of the American Polish Engineering Association and has received numerous awards for her unfailing service and dedication; and

Whereas, In her honor, the ESD Affiliate Council created the Ann O. Fletcher Distinguished Service Award. It is only fitting that she is now honored with the Lifetime Achievement Award; now, therefore, be it

Resolved by the Senate, That we extend our congratulations to Ann Fletcher as she is honored with the Lifetime Achievement Award from the Engineering Society of Detroit at its annual meeting on June 6, 2002; and be it further

Resolved, That a copy of this resolution be transmitted to Ann Fletcher as a token of our admiration and appreciation for her valuable contributions to our state.

Senator Sikkema offered the following resolution:

Senate Resolution No. 229.

A resolution recognizing and commending the Michigan Association of Public Employee Retirement Systems.

Whereas, It is with deep appreciation for all of the hard work, commitment, and planning that we recognize and commend the Michigan Association of Public Employee Retirement Systems (MAPERS) and Grand Valley State University for the development of the MAPERS achievement program. The primary purpose of the Michigan Association of Public Employee Retirement Systems is the promotion of Michigan's public employee retirement systems and retiree health care plans through education of its trustees, administrators, and other professionals; and

Whereas, The MAPERS achievement program is designed to provide formal education in the areas of fiduciary responsibility and benefits administration. Furthermore, the MAPERS curriculum is structured to provide a broad-based educational foundation. Its curriculum is divided into three categories: Category I - Pension Fundamental Series; Category II - Institutional Investment; Category III - Benefits Administration; and

Whereas, Through its motto "Tomorrow's Future Through Today's Education," the MAPERS strives for and facilitates the discussion and mutual exchange of ideas on topics of retiree benefits, administration, and trust fund investment; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize and commend the Michigan Association of Public Employee Retirement Systems for its development of this program and Grand Valley State University for their support; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of Public Employee Retirement Systems and Grand Valley State University as a token of our esteem.

Senators DeBeaussaert, Young and Scott offered the following resolution:

Senate Resolution No. 230.

A resolution honoring Kamren Ann (Kammy) Miller of Grosse Pointe Woods for being recognized as the 2002 Michigan High School Female Athlete of the Year.

Whereas, It is with deep respect and admiration that we acknowledge the accomplishments of Kammy Miller. Ms. Miller was selected by members of the Detroit Athletic Club from thousands of candidates to be named the Michigan High School Female Athlete of the Year. The Athlete of the Year award is bestowed to Michigan athletes who combine excellence both on and off the field. The winner of the award is announced each year at the national athletic awards event which benefits the March of Dimes; and

Whereas, Kammy Miller has certainly earned this recognition as an All-American swimmer. Ms. Miller lettered four years at Grosse Pointe North High School. She has set four individual school records and was a member of two record-breaking relay teams. She holds the state Class A record in the 400 freestyle relay, has set four Macomb Area Conference (MAC) individual records, and set four USA swimming state records. Kammy has been a sixteen-time MAC Champion, an eight-time State Champion, and a fifteen-time All-American; and

Whereas, Ms. Miller, the daughter of John and Karen Miller, has excelled outside of swimming as well. She holds a 3.7 grade point average as a senior at Grosse Pointe North High School, is a member of the National Honor Society, and is a student association senator. Kammy is also an active volunteer at the Most Holy Trinity School and has coordinated fund-raising efforts for the Barley Bays Festival Reef Clean Up in Key Largo, Florida; now, therefore, be it

Resolved by the Senate, That we extend our heartfelt congratulations to Kammy Miller for being named the 2002 Michigan High School Female Athlete of the Year. We also extend our best wishes for her continued success in the future as she continues her education and swimming career at the University of Southern California; and be it further

Resolved, That a copy of this resolution be transmitted to Ms. Miller as a token of our esteem and admiration.

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

House Concurrent Resolution No. 49

The motion prevailed.

Senate Concurrent Resolution No. 55.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Grand Tower.

(For text of resolution, see Senate Journal No. 34, p. 963.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 56.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Kellogg Community College relative to the Kellogg Community College Computer Technology and Academic Center.

(For text of resolution, see Senate Journal No. 34, p. 964.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 57.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Saginaw Valley State University relative to the Saginaw Valley State University Instructional Facility Number 4 and Library Renovations.

(For text of resolution, see Senate Journal No. 34, p. 965.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 58.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Central Campus Renovation Phase II-West Hall.

(For text of resolution, see Senate Journal No. 34, p. 966.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 59.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Governors of Wayne State University relative to the Wayne State University Welcome Center.

(For text of resolution, see Senate Journal No. 34, p. 367.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 60.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Western Michigan University relative to the Western Michigan University Engineering and Applied Sciences Building.

(For text of resolution, see Senate Journal No. 34, p. 967.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 61.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Western Michigan University relative to the Western Michigan University Lake Michigan College Southwest Center.

(For text of resolution, see Senate Journal No. 34, p. 968.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the Committee on Finance be discharged from further consideration of the following bills:

Senate Bill No. 117, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

Senate Bill No. 1360, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 1997 PA 187.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Emmons moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on their immediate passage:

House Bill No. 4454**Senate Bill No. 117****Senate Bill No. 1360**

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4454**Senate Bill No. 117****Senate Bill No. 1360**

The motion prevailed.

The following bill was read a third time:

House Bill No. 4454, entitled

A bill to amend 1987 PA 248, entitled “Airport parking tax act,” by amending sections 3 and 7 (MCL 207.373 and 207.377) and by adding section 11a.

The question being on the adoption of the following committee substitute:
Substitute (S-4).

Senator Hoffman offered the following amendments to the substitute:

1. Amend page 1, line 3, after the first “of” by striking out “15%” and inserting “30%”.
2. Amend page 2, line 22, after “COUNTY” by inserting “TO BE USED ONLY FOR HEALTH CARE”.

The amendments to the substitute were not adopted.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments to the substitute were not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 670

Yeas—17

Byrum	Gougeon	Leland	Schwarz
Cherry	Hart	Miller	Scott
DeBeaussaert	Hoffman	Murphy	Smith
Dingell	Koivisto	Peters	Young
Emerson			

Nays—20

Bennett	Garcia	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
DeGrow	Goschka	North	Steil
Dunaskiss	Hammerstrom	Sanborn	Stille
Emmons	Johnson	Schuetz	Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Protest

Senator McCotter, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Hoffman to House Bill No. 4454.

Senator McCotter’s statement is as follows:

Wayne County’s Health Choices Program, I believe, is the program that was referenced earlier in the debate. The problem I have is two-fold. I think it’s a good program. I voted for it. The problem is one of the reasons I voted for it was to prevent this money from being spent somewhere else within Wayne County. If we had an opportunity to actually dedicate it to indigent health care, then we should do that before the county made a decision to spend it elsewhere on less important needs. That was done in the situation of making the best of a bad situation, which is generally the case in Wayne County government.

I've also always had the fundamental problem with this tax that I think it's illegal. I believe, and I think there's a good legal debate, that any airport revenues that are derived should be spent at an airport.

Now that I'm in Lansing, I don't think that I should be making the best of a bad situation because I'm out-voted. I think that as a member of the majority caucus I should be trying to make things better on the whole.

When this tax was instituted in 1987, this money should have immediately been used for indigent health care. It took until I was there in the mid-1990s for anything to be done with this money for indigent health care. I think that kind of belies the argument that it was assumed that it would be used for that purpose—no matter how noble the purpose, in the end, if you believe as I believe, the tax is illegal.

I will also be voting “no” on the bill because a cut in an illegal tax is not enough for me; it should be totally eliminated.

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

The question being on the passage of the bill,

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

Roll Call No. 671

Yeas—20

Bennett	Garcia	Johnson	Shugars
Bullard	Gast	McManus	Sikkema
DeGrow	Goschka	North	Steil
Dunaskiss	Gougeon	Sanborn	Stille
Emmons	Hammerstrom	Schuette	Van Regenmorter

Nays—17

Byrum	Hart	McCotter	Schwarz
Cherry	Hoffman	Miller	Scott
DeBeaussaert	Koivisto	Murphy	Smith
Dingell	Leland	Peters	Young
Emerson			

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emerson moved to reconsider the vote by which the bill was passed.

The question being on the motion to reconsider,

Senator Emerson moved that further consideration of the bill be postponed for today.

The motion prevailed.

Protests

Senators Byrum, Young, McCotter and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4454.

Senator Byrum's statement is as follows:

I voted “no” on this bill because I think that it is not the fiscally responsible thing to do. The Wayne County indigent health care program is a state responsibility if we do not allow a funding mechanism for Wayne County. That could cost the General Fund as much as \$10 million because we would have to take over the Medicaid population.

Conceptually, I have a real concern with carving out money from this airport tax to match with federal funds when that program is not in place. We are talking about a match and potentially bonding for airport infrastructure under the guise that this is going to be security at airports when, in fact, we know looking at the laundry list of the airport projects that very little has to do with security. Most of it is just general infrastructure, therefore, I voted “no” on the bill.

Senator Young moved that the statement he made during the discussion of the amendments be printed as his reasons or voting “no.”

The motion prevailed.

Senator Young’s first statement is as follows:

I’m going to rise to provide a little more information as to how all this took place because, quite frankly, we find ourselves at this point in time because of a problem and a crisis that was fakely created in the first place.

The whole subject of making sure that we do “security improvements” throughout this whole state was never one that was considered to be a state responsibility. It was first proposed that the people of Wayne County would have to pay for statewide improvements in airports, not the state of Michigan, which everyone uses those airports, but just Wayne County was to finance these airports. Now for the life of me, as I have been trying to research this and find out exactly what is taking place, I could never understand how it is that we would take a 1987 statute of bail-out, which helped Wayne County through its difficult financial times. Everybody knows not only is the state going through difficult times, but so is Wayne County. Other counties, cities, and municipalities are going through difficult times. But we would take dollars away from a county government which is providing medically indigent health care to its constituents as well as providing an increment of a county-plus care program to its small business communities.

Now realizing that the airport tax in the past has generated, in the figures in the paper and the figures that have been batted around, somewhere between \$16-\$18 million, that money is provided into the budget of Wayne County so that Wayne County can use those dollars for a match with the state to provide another additional \$41 million to fund a program that takes care of the medically poor—the needy. Now on the surface, one would think that makes a whole lot of sense. I contend that not only on the surface, but it makes a whole lot of sense in its depth.

Instead of us approaching it from that perspective, what we did is—as it was recommended by the executive branch of government, and it appears that it is being supported by the other side of the aisle—that \$6 million would be taken from those dollars. Even more than that, the tax would be cut on the other side of the aisle by the other chamber by 50 percent.

Now this is amazing to me. Nowhere does this legislation talk about passing that tax break onto those people who are utilizing the parking tax. No, that’s not what we are talking about here. We’re talking about cutting the tax rate and then bringing it over here and then suggesting that we should increase the tax rate for a program that we already have in existence. You want to dismantle and restart by taxing our people even more. Then on top of that, saying Wayne County residents ought to pay for what’s taken place in the state of Michigan.

Nor was the discussion I heard that maybe if this is something serious, there should have been a tax policy across all airports. No. Nor did we talk about how many and who is actually using the airport and other airports. No.

What we talked about is a proposal that actually costs the state more dollars than the \$6 million that is being accessed and used and the total \$18 million to match the dollars in the first place. So the truth of the matter is that what we are doing here is not only robbing Peter to pay Paul, but we are not talking about people earning and learning. We are not talking about people paying as they grow. We’re talking about if you grow, we’re going to punish you.

I don’t know when we’re going to be able to appreciate the programs that are in place that are worth saving—ought to be worth saving. If we need \$6 million to access or leverage to make sure we have a program for the bonding and security for all our airports, we should guarantee it as a revenue stream and not dismantle other programs that ultimately are going to cost us more in the end. That’s what we’re talking about here.

Now I happen to understand and appreciate the box it’s in. I realize that there’s a responsibility to those in Wayne County who provide the indigent medical care, but I think it’s important for the record to show what is taking place and what’s being done here. So reluctantly, knowing that history—knowing the importance of providing medical care—I do rise to support the Hoffman amendment.

I think it’s important that we do that to provide that opportunity, but I think the public ought to know, and the education should exist that we had a program. It was dismantled by the other side of the aisle, and now all of a sudden, it’s going to be restored if we support the increase again when the bill in the first place never talked about passing that decrease in the parking tax onto those who pay it. So the truth is that it is a sham. It was a cut in the tax by 50 percent, not to return the money to those who are paying it, but a sham to make sure that some of the instruments be used that are taking place here today.

I reluctantly support the Hoffman amendment, and I would hope the membership would do the same, but I’ll tell you at some point, this has got to stop. It is obvious that counties should not be taking their lead from Lansing; Lansing should be taking their lead from Wayne County.

Senator Young's second statement is as follows:

I voted "no" on this piece of legislation due to the fact that we're not addressing the needs of the medically indigent in Wayne County.

Senator McCotter's statement is as follows:

I voted "no" on the bill because, as I referenced earlier, a tax that is illegally collected should be stopped. This bill, while its intent is to try to have a more reasonable approach to spending money on airports off of an airport tax that is collected, I still cannot subscribe to the theory that the goal will justify the means.

In his veto message of the Bank of the United States, I believe it's the second one, President Andrew Jackson said, "There are no necessary evils in government." So if you're going to be philosophically consistent, you must be, and that is the reason I had to vote against the bill.

Senator Hart's statement is as follows:

I just want to echo the sentiments expressed by a number of my colleagues who said that this is selectively discriminating against Wayne County, and it's quite obvious.

The following bill was read a third time:

Senate Bill No. 117, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

The question being on the passage of the bill,

Senators Steil and Shugars offered the following amendment:

1. Amend page 3, line 1, after "than" by striking out "\$250,000,000.00" and inserting "\$1.00".

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

The question being on the passage of the bill,

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

Roll Call No. 672

Yeas—23

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Sanborn	Stille
Emmons	Hoffman	Schuette	Van Regenmorter
Garcia	Johnson	Schwarz	

Nays—14

Byrum	Emerson	Miller	Scott
Cherry	Hart	Murphy	Smith
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland		

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Hart moved that his name be removed as co-sponsor of the bill.

The motion prevailed.

Senators Garcia, Sanborn, Emmons, McCotter and McManus moved that they be named co-sponsors of the bill.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1360, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 1997 PA 187.

Senator Gougeon offered the following substitute:

Substitute (S-3).

The question being on the passage of the bill,

The question being on the adoption of the substitute,

Senator Hammerstrom offered the following amendment to the substitute:

1. Amend page 7, line 7, after "2002," by striking out "0.75%" and inserting "0.94%".

The amendment to the substitute was adopted.

Senator Gougeon offered the following amendments to the substitute:

1. Amend page 11, line 15, after "STATE" by inserting "TO BE USED ONLY FOR COMMUNITY HEALTH PURPOSES".

2. Amend page 12, line 10, after "STATE" by inserting "TO BE USED ONLY FOR COMMUNITY HEALTH PURPOSES".

The amendments to the substitute were adopted.

The substitute, as amended, was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 673

Yeas—8

DeGrow
Emmons

Gougeon
Hoffman

McManus
North

Schwarz
Steil

Nays—29

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
Dingell
Dunaskiss
Emerson

Garcia
Gast
Goschka
Hammerstrom
Hart
Johnson
Koivisto

Leland
McCotter
Miller
Murphy
Peters
Sanborn
Schuette

Scott
Shugars
Sikkema
Smith
Stille
Van Regenmorter
Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

The motion prevailed.

Senator McCotter's statement is as follows:

Just an observation and then an explanation on the bill. The observation is that I can understand the disharmony in this chamber, but I would like to clear up what I think is one important point between the single business tax and between a potential cigarette tax.

The cigarette tax is when people make a decision to smoke. It is a bad decision, but nevertheless, it is a decision. People do not make the decision whether or not to earn a living, and I think that is a crucial distinction. The single business tax, in my mind, is easily distinguishable then because people who are out there making money, who are trying to create jobs and generate wealth for the betterment of the entire community deserve an across-the-board protection from the taxman; whereas, people who do decide to smoke have made that decision voluntarily, and regrettably that they do, trust me on that one.

In terms of this, just a short explanation—constancy is a blessing and a curse. When I ran, I said I would never raise taxes. I had no exceptions to that. I did not distinguish one group from another. I did not say one group is less deserving of tax relief than another. So I'll be voting against this bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Van Regenmorter, Bullard and Koivisto introduced

Senate Bill No. 1368, entitled

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 8 (MCL 28.258), as amended by 1995 PA 39.

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

Senator Emmons introduced

Senate Bill No. 1369, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 2, 15, 18, 31, and 32 (MCL 567.222, 567.235, 567.238, 567.251, and 567.252), sections 18 and 31 as amended by 1997 PA 195.

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

Senator Emmons introduced

Senate Bill No. 1370, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2 and 3 (MCL 205.92 and 205.93), section 2 as amended by 2000 PA 391 and section 3 as amended by 2002 PA 110.

The bill was read a first and second time by title.

Senator Emmons moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4180, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81133 (MCL 324.81133), as amended by 1998 PA 86.

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 Natural Resources and Environmental Affairs.

House Bill No. 4754, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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 Government Operations.

House Bill No. 4823, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 1984 PA 328.

The House of Representatives has passed the bill.

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

House Bill No. 4851, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5336, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending sections 6, 12, 14, and 25 (MCL 397.176, 397.182, 397.184, and 397.195).

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.

Senator Emmons moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5450, entitled

A bill to provide for the creation of local land banks to assist governmental entities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain property; to promote economic growth; to prescribe the powers and duties of certain land banks; to provide for the creation and appointment of boards to govern land banks and to prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the conveyance of certain properties to a land bank; to authorize the enforcement of tax liens and the clearing or quieting of title by a land bank; to provide for the distribution and use of revenues collected or received by a land bank; to prescribe powers and duties of certain public entities and state and local officers and agencies; to authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens; to exempt property, income, and operations of a land bank from tax; and to extend protections against certain liabilities to a land bank.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5971, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16299, 17014, and 17015 (MCL 333.16299, 333.17014, and 333.17015), section 17014 as added by 1993 PA 133 and section 17015 as amended by 2000 PA 345.

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 Health Policy.

House Bill No. 6004, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 25a, 25b, and 28 (MCL 552.602, 552.603, 552.625a, 552.625b, and 552.628), section 2 as amended by 1999 PA 160, section 3 as amended by 2001 PA 106, and sections 25a and 25b as added and section 28 as amended by 1998 PA 334, and by adding sections 5c, 25c, 25d, 25e, 25f, 25g, 25h, and 25i.

The House of Representatives has passed the bill.

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

House Bill No. 6005, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 230 (MCL 418.230), as amended by 2000 PA 396.

The House of Representatives has passed the bill.

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

House Bill No. 6006, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 31, 32, 33, and 35 (MCL 552.602, 552.631, 552.632, 552.633, and 552.635), section 2 as amended by 1999 PA 160, sections 31 and 32 as amended by 2000 PA 442, and sections 33 and 35 as amended by 1998 PA 334.

The House of Representatives has passed the bill.

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

House Bill No. 6007, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 41, 42, 44, and 45 (MCL 552.602, 552.641, 552.642, 552.644, and 552.645), section 2 as amended by 1999 PA 160, sections 41 and 42 as amended by 1996 PA 25, and sections 44 and 45 as amended by 1998 PA 334, and by adding section 42a.

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.

House Bill No. 6108, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5j (MCL 28.425j), as added by 2000 PA 381.

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. 6109, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5l (MCL 28.425l), as added by 2000 PA 381.

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. 6110, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," (MCL 28.421 to 28.435) by adding section 5y.

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. 6111, entitled

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

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. 6114, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” (MCL 117.1 to 117.38) by adding section 3a. 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 Government Operations.

The Assistant Associate President pro tempore, Senator Miller, assumed the Chair.

Statements

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

The motion prevailed.

Senator Stille’s statement is as follows:

Earlier today, there were several comments made relative to the school infrastructure bond package that we passed here, and there were several references made to schools or citizens across the state having to fund other people’s buildings and how ludicrous the package was. I would just like to respond to some of those sentiments because I think they were extremely erroneously placed.

There is nowhere in this package that it says one sector of the state will pay for somebody else’s school building. There’s no place in this package that says that a school district would not be responsible for its own building construction. It merely is an assistance through exempting interest for any school district that would choose to build its own building. We’ve wrestled for a long time with issues and with strategy on how to assist the poorest of school districts in this state that are either limited by the school bond loan fund or limited by their ability to build a building satisfactory to their students’ needs. This legislation provides an opportunity for the state’s voters to do exactly that—to consider looking at an assisting hand to the poorest districts in the state through exempting interest on loans that they would take from this fund. No more, no less. It is not one district paying for someone else’s building; it is just assisting the various districts build their own buildings and allowing the state to pick up some of the interest that might be accumulated on those loans.

I hope this tends to straighten out some of the misconceptions that were used for “no” vote explanations earlier today.

Senator Scott stated that had she been present when the votes were taken on concurring in the House substitute and House amendment to the following bills, she would have voted “yea”:

Senate Bill No. 859

Senate Bill No. 987

Senator Scott stated that had she been present when the votes were taken on concurring in the House substitutes to the following bills, she would have voted “nay”:

House Bill No. 5643

House Bill No. 5644

House Bill No. 5647

Committee Reports

The Committee on Transportation and Tourism reported

House Bill No. 5467, entitled

A bill to create the Detroit area regional transportation authority and to transfer certain powers of authorities to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Leland and Hart

Nays: Senators Steil and North

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

The Committee on Transportation and Tourism reported

House Bill No. 5468, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Leland and Hart

Nays: Senators Steil and North

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submitted the following:

Meeting held on Wednesday, May 29, 2002, at 9:30 a.m., Room 100, Farnum Building

Present: Senators Bullard (C), Steil, North, Leland and Hart

The Committee on Judiciary reported

Senate Bill No. 1358, entitled

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending section 1 (MCL 780.651), as amended by 2002 PA 128.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: Senator Scott

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, May 29, 2002, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Scheduled Meetings**Natural Resources and Environmental Affairs** - Tuesday, June 4, 1:30 p.m., Room 210, Farnum Building (373-0797)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 2:54 p.m.

The Assistant Associate President pro tempore, Senator Miller, declared the Senate adjourned until Tuesday, June 4, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

