

No. 75
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, October 25, 2001.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was 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
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Joanne G. Emmons of the 23rd District offered the following invocation:

Dear Heavenly Father, thank You for everyone here this morning. Lord, we pray for patience this morning; patience that only comes from You. During this time of national crisis, we pray for a full measure of patience. With patience and childless, Sarah waited for You to make her and Abraham the father and mother of many nations. With patience, Joseph waited from a prison cell for You to make him a great leader. With patience, Job learned from his affliction the true nature of God.

The Apostle Paul said, "We glory in tribulations also: knowing that tribulation worketh patience; and patience, experience: and experience, hope."

O Father, our nation has experienced a horrible tribulation; now give us patience. Give us the resolve that only comes from You. Work in us a miracle so that we will gain from this experience and find our hope in You. Father, You are so patient with us, slow to anger, and quick to forgive. Teach us to be like You. We pray in Your name. Amen.

Senator Bennett entered the Senate Chamber.

Motions and Communications

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:05 a.m.

11:49 a.m.

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

During the recess, Senator Leland entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 24:

House Bill Nos. 5013 5022 5023 5024 5025

The Secretary announced the printing and placement in the members' files on Wednesday, October 24, of:

Senate Bill Nos. 776 777 778 779 780

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. 4626

House Bill No. 4548

Senate Bill No. 217

House Bill No. 4820

House Bill No. 4829

The motion prevailed.

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

The following bill was read a third time:

House Bill No. 4626, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11104, 11108, 11130, 11135, 12101, 12102, 12103, 12109, and 12112 (MCL 324.11104, 324.11108, 324.11130,

324.11135, 324.12101, 324.12102, 324.12103, 324.12109, and 324.12112), sections 11104 and 11130 as amended by 1998 PA 139 and sections 12101, 12102, 12103, and 12109 as amended by 1998 PA 140, and by adding section 11153.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 9, following line 15, by inserting:

“SEC. 11108A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A MUNICIPALITY MAY IMPOSE AN IMPACT FEE OF NOT MORE THAN 5 CENTS PER GALLON ON HAZARDOUS WASTE THAT IS DISPOSED OF IN A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL LOCATED WITHIN THE MUNICIPALITY. HOWEVER, IF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL IS LOCATED WITHIN A VILLAGE, THE IMPACT FEE PROVIDED FOR IN THIS SUBSECTION SHALL BE IMPOSED BY THE TOWNSHIP IN AGREEMENT WITH THE VILLAGE. THE IMPACT FEE SHALL BE ASSESSED UNIFORMLY ON ALL HAZARDOUS WASTE ACCEPTED FOR DISPOSAL.

(2) A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH THE OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL TO ESTABLISH A HIGHER IMPACT FEE THAN THE IMPACT FEE PROVIDED FOR IN SUBSECTION (1).

(3) THE IMPACT FEE IMPOSED UNDER THIS SECTION SHALL BE COLLECTED BY THE OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL AND SHALL BE PAID TO THE MUNICIPALITY QUARTERLY BY THE THIRTIETH DAY AFTER THE END OF EACH CALENDAR QUARTER. HOWEVER, THE IMPACT FEE ALLOWED TO BE ASSESSED TO EACH MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL UNDER THIS SECTION SHALL BE REDUCED BY ANY AMOUNT OF REVENUE PAID TO OR AVAILABLE TO THE MUNICIPALITY FROM THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL UNDER THE TERMS OF ANY PREEXISTING AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, CONTRACTS, SPECIAL USE PERMIT CONDITIONS, COURT SETTLEMENT AGREEMENT CONDITIONS, AND TRUSTS.

(4) UNLESS A TRUST FUND IS ESTABLISHED BY A MUNICIPALITY PURSUANT TO SUBSECTION (5), THE REVENUE COLLECTED BY A MUNICIPALITY UNDER SUBSECTION (1) SHALL BE DEPOSITED IN ITS GENERAL FUND TO BE USED FOR ANY PURPOSE THAT PROMOTES THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE CITIZENS OF THE MUNICIPALITY. HOWEVER, REVENUE COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE USED TO BRING OR SUPPORT A LAWSUIT OR OTHER LEGAL ACTION AGAINST AN OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL WHO IS COLLECTING AN IMPACT FEE PURSUANT TO SUBSECTION (3) UNLESS THE OWNER OR OPERATOR OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL HAS INSTITUTED A LAWSUIT OR OTHER LEGAL ACTION AGAINST THE MUNICIPALITY.

(5) THE MUNICIPALITY MAY ESTABLISH A TRUST FUND TO RECEIVE REVENUE COLLECTED PURSUANT TO THIS SECTION. THE TRUST FUND SHALL BE ADMINISTERED BY A BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL CONSIST OF THE FOLLOWING MEMBERS:

(A) THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY CREATING THE TRUST FUND.

(B) AN INDIVIDUAL FROM THE MUNICIPALITY APPOINTED BY THE GOVERNING BOARD OF THE MUNICIPALITY.

(C) AN INDIVIDUAL APPROVED BY THE OWNERS OR OPERATORS OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELLS WITHIN THE MUNICIPALITY AND APPOINTED BY THE GOVERNING BOARD OF THE MUNICIPALITY.

(6) INDIVIDUALS APPOINTED TO SERVE ON THE BOARD OF TRUSTEES UNDER SUBSECTION (5)(B) AND (C) SHALL SERVE FOR TERMS OF 2 YEARS.

(7) MONEY IN THE TRUST FUND MAY BE EXPENDED, PURSUANT TO A MAJORITY VOTE OF THE BOARD OF TRUSTEES, FOR ANY PURPOSE THAT PROMOTES THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE CITIZENS OF THE MUNICIPALITY. HOWEVER, REVENUE COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE USED TO BRING OR SUPPORT A LAWSUIT OR OTHER LEGAL ACTION AGAINST AN OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL WHO IS COLLECTING AN IMPACT FEE PURSUANT TO SUBSECTION (3) UNLESS THE OWNER OR OPERATOR OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL HAS INSTITUTED A LAWSUIT OR OTHER LEGAL ACTION AGAINST THE MUNICIPALITY.

(8) AS USED IN THIS SECTION, “MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL” MEANS THAT TERM AS IT IS DEFINED IN SECTION 62506A.”.

The question being on the adoption of the amendment,

Senator Emerson requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 369**Yeas—16**

Bennett	Emerson	Leland	Peters
Byrum	Goschka	McCotter	Scott
DeBeaussaert	Hammerstrom	Miller	Smith
Dingell	Hart	Murphy	Young

Nays—19

Bullard	Garcia	McManus	Sikkema
Cherry	Gast	North	Steil
DeGrow	Gougeon	Schuette	Stille
Dunaskiss	Hoffman	Schwarz	Van Regenmorter
Emmons	Johnson	Shugars	

Excused—2

Koivisto	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendment:

1. Amend page 9, line 9, by striking out of all line 9 and inserting “WASTE REDUCTION FUND CREATED IN SUBSECTION (14).

(14) THE WASTE REDUCTION FUND IS CREATED WITHIN THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE WASTE REDUCTION FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE WASTE REDUCTION FUND. THE STATE TREASURER SHALL CREDIT TO THE WASTE REDUCTION FUND INTEREST AND EARNINGS FROM WASTE REDUCTION FUND INVESTMENTS. MONEY IN THE WASTE REDUCTION FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE WASTE REDUCTION FUND AND SHALL NOT LAPSE TO THE GENERAL FUND. MONEY FROM THE WASTE REDUCTION FUND SHALL BE EXPENDED, UPON APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:”.

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. 370**Yeas—35**

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

Nays—0

Excused—2

Koivisto

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 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.”.

The Senate agreed to the full title.

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

House Bill No. 4548

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 217, entitled

A bill to regulate the servicing, repair, and maintenance of certain appliances and the compensation received by certain persons for those activities; to provide for certain disclosures and warranties regarding those activities; to limit certain representations by service dealers; and to provide for certain remedies.

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. 371

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Koivisto

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators DeBeussaert, Smith, North, Gougeon, McManus, Miller, Hart and Young moved that they be named co-sponsors of the following bill:

Senate Bill No. 217

The motion prevailed.

The following bill was read a third time:

House Bill No. 4820, entitled

A bill to regulate the production, transportation, handling, processing, delivery, and sale of grade A milk and milk products; to define grade A milk and milk products and to establish standards and requirements for grade A milk and milk products; to provide for dairy food safety; to provide for the sampling, sampling analysis, and transportation of milk and milk products; to regulate the labeling, manufacture, distribution, and sale of milk and milk products for the protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of milk and milk products; to provide for enforcement; to provide for licenses and permits and revocation of licenses and permits; to impose certain fees; to require certain security arrangements of milk plants to ensure the prompt payment of producers; to prescribe powers and duties of certain state departments and officers; to provide for uniform standards and uniform inspection; to provide for promulgation of rules; to provide for certain remedies and penalties; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 372**Yeas—35**

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

Nays—0**Excused—2**

Koivisto

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.

Senate Bill No. 30, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16277. (For text of conference report, see Senate Journal No. 69, p. 1779.)

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 374**Yeas—24**

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

Nays—11

Byrum	Dingell	Leland	Scott
Cherry	Emerson	Murphy	Smith
DeBeaussaert	Hart	Peters	

Excused—2

Koivisto	Vaughn
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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.

Senators Hoffman, Hammerstrom, Steil, Gast, McManus, McCotter, Schuette, Stille, Sikkema, Emmons, Bennett and Gougeon moved that they be named co-sponsors of the following bill:

Senate Bill No. 30

The motion prevailed.

Protest

Senator Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the first conference report on Senate Bill No. 30 and moved that the statement she made during the discussion of the conference report be printed as her reasons for voting "no."

The motion prevailed.

Senator Smith's first statement is as follows:

I rise to oppose the adoption of the conference report. I know that Senator North has worked very hard on this issue over the years. And I have tried to enlighten the Senator on the basic problem with this piece of legislation, and that is that under this bill we establish a dual standard of protection under the law here in the state of Michigan—that is a

constitutional violation. We are essentially saying that if you are poor and if you cannot afford your own health care insurance and the clinic to which you go does not have its health care insurance coverage for medical malpractice insurance, you, by waiving your rights, will therefore not be able to sue should you suffer harm from your treatment.

The free clinics in the state of Michigan have found that the bill, while it might help with recruitment, really doesn't address a problem they have, which is medical malpractice insurance. The majority of them carry some form of insurance, and working with Senator Joel Gougeon in this year's budget, we actually put \$25,000 into the budget that would allow all of the free clinics in Michigan to buy very low-cost medical malpractice insurance to make sure that their physicians who practice in their facilities are indeed covered. So it leaves people who are referred outside of the free clinics exposed, but it covers those people who get their primary health care treatment in free clinics.

This is an unnecessary bill. It is, I believe, unconstitutional, and it does begin to establish a standard of care that says we can be less careful of the poor than we are with the rest of the citizens of this state. I urge my colleagues to reject the conference report.

Senator Smith's second statement is as follows:

You know, people can waive liability. People do it in contracts for the sale of power equipment, and they do it in all other areas. They cannot waive their constitutional protection under the law. This bill does it. This bill has real critical problems in terms of fairness, in terms of coverage for those who are least able to protect themselves. This is a great concern here. I know it was done with good intentions, and I know it was designed to help encourage retired physicians to come into the free clinics to work. All they need to know is that the clinics in which they would work already have medical malpractice insurance that was either in place, and has been in place in those clinics for years, or can be acquired with the help of state dollars, so that there is coverage. We don't need this bill to create a dual standard of care here in the state of Michigan. I urge my colleagues to reject the conference report.

Senators Shugars and North asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Shugars' statement is as follows:

First of all, this conference report is a true compromise. A number of us believe that it didn't matter where you would go for medical services or dental services. If both the provider and the patient agreed that there was no compensation, the level of civil liability would be gross negligence and willful misconduct, and that would be what a number of us believed in. But we compromised with what Senator North came up with, and I'm willing to support this.

But I think the bottom line is this—if you vote for this, you're helping access for people who are economically disadvantaged who do not have insurance or don't have the resources to get health care and attention. If you vote for it, you're helping those people because health care providers—it doesn't matter who they are—have a feeling that there's a stigma, there's a cloud over there that you're going to get sued if the outcomes aren't just perfect. So what we're trying to do is be compassionate. We're trying to help people who cannot afford it, so I urge my colleagues to vote for this bill.

Senator North's statement is as follows:

Today, we are at the culmination of nearly six years of work for me and over a decade on this issue in total. I believe we have found a solution in this conference report that will increase access to primary care for our most needy, the uninsured and the underinsured, and at the same time, provide a legal remedy in case the worst happens. By balancing these two, oftentimes competing interests, we have come up with a bill that will alleviate the concerns on the part of the providers who volunteer their time from frivolous lawsuits. Oftentimes, it is the fear of a lawsuit rather than its practicality that drives the uneasiness by these health care professionals.

It is my belief that the conference report before you today provides the greatest benefit to the indigent population in Michigan. Without the willingness by health care providers to volunteer, access to affordable primary care is almost nonexistent. Making proactive health maintenance unheard of among this population oftentimes results in patients not receiving care until it becomes an emergency and extremely costly. This is not good health management policy nor is it good economic policy. By providing greater access to primary care, it is my hope that indigent visits to the emergency room will decrease, resulting in healthier patients and minimizing the financial burdens on the health care facilities.

We have made it a priority to give the patient as many protections as possible. First, by keeping the clinic liable. Second, by limiting the procedures eligible to those who do not require general anesthesia and are nonemergent. Third, requiring a written disclosure of not only the limited liability, but that the care is uncompensated. Fourth, requiring a signature from the patient acknowledging that they have been provided this disclosure.

Providing access to health care to those who normally would not receive it is a noble cause. I urge the body to support greater access to health care for the indigent by voting in favor of the conference report before you today.

And, Mr. President, I appreciate yours and Senator Shugars' service on the conference committee.

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

Senator Emmons moved that the enrollment be vacated on the following bill:

Senate Bill No. 498, entitled

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

The motion prevailed.

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

The motion prevailed.

Senator Bennett's statement is as follows:

I have some special guests in the east Gallery. I have the Wayne-Westland Junior Miss and the Michigan Junior Miss same person—Theresa Soleau. She is active in dance, her church, and community service. She carried a 4.095 grade point average at John Glenn High School, and currently, is a freshman at Oberlin College in Ohio. She is joined by her parents, Christine and Marvin Soleau, and her aunt and uncle, Don and Barb Oberts. If I could ask you to stand so my colleagues can welcome you.

By unanimous consent the Senate returned to the order of
Messages from the Governor

The following messages from the Governor were received:

Date: October 23, 2001
 Time: 2:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 404 (Public Act No. 132), being

An act to amend 1982 PA 220, entitled "An act to create a Michigan family farm development authority; to define the powers and duties of the authority; to authorize the making and purchase of loans, deferred payment loans, and grants to certain qualified beginning farmers; to provide tax exemptions; to provide for the issuance and purchase of notes and bonds; to provide for the establishment of funds; and to prescribe criminal penalties," by amending section 29 (MCL 285.279).

(Filed with the Secretary of State on October 23, 2001, at 4:46 p.m.)

Date: October 23, 2001
 Time: 2:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 405 (Public Act No. 133), being

An act 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 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

(Filed with the Secretary of State on October 23, 2001, at 4:48 p.m.)

Date: October 23, 2001
Time: 3:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 497 (Public Act No. 135), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 200h, 200j, 222, and 237 (MCL 750.200h, 750.200j, 750.222, and 750.237), sections 200h and 200j as added by 1998 PA 207 and section 222 as amended by 1992 PA 217, and by adding section 200l.

(Filed with the Secretary of State on October 23, 2001, at 4:52 p.m.)

Date: October 23, 2001
Time: 3:47 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 675 (Public Act No. 136), being

An act 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,” sections 12, 16k, 17, 31, 32, and 49 of chapter XVII (MCL 777.12, 777.16k, 777.17, 777.31, 777.32, and 777.49), section 12 as amended by 2001 PA 104, section 16k as amended by 2000 PA 279, section 17 as amended by 2000 PA 300, section 31 as amended by 1999 PA 227, and sections 32 and 49 as added by 1998 PA 317.

(Filed with the Secretary of State on October 23, 2001, at 4:54 p.m.)

Respectfully,
Richard E. Posthumus
Acting and Lieutenant Governor

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Van Regenmorter introduced

Senate Bill No. 803, entitled

A bill to authorize certain interceptions of communications and the use of interception devices for certain offenses; to provide for and regulate the application, issuance, and execution of interception orders; to prescribe the powers and duties of certain agencies, officers, and employees; to regulate the use and disclosure of communications and evidence intercepted or obtained under this act; to provide remedies and exemptions from liability; to prescribe penalties; and to repeal acts and parts of acts.

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

Senator Peters introduced

Senate Bill No. 804, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 9a to chapter IX.

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

Senator Bullard introduced

Senate Bill No. 805, entitled

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

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

Senator Van Regenmorter introduced

Senate Bill No. 806, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2000 PA 300.

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

House Bill No. 5013, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 82.

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

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

House Bill No. 5022, entitled

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending sections 8 and 47 (MCL 565.8 and 565.47), section 8 as amended by 1980 PA 488.

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 Local, Urban and State Affairs.

House Bill No. 5023, entitled

A bill to amend 1937 PA 103, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," by amending section 1 (MCL 565.201), as amended by 1996 PA 459.

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 Local, Urban and State Affairs.

House Bill No. 5024, entitled

A bill to amend 1879 PA 237, entitled "An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land," by amending section 1 (MCL 565.351), as amended by 1991 PA 140.

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 Local, Urban and State Affairs.

House Bill No. 5025, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 144 (MCL 560.144).

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 Local, Urban and State Affairs.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 525, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21712 (MCL 333.21712).

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 660, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16204a, 16204b, 16204c, and 16204d (MCL 333.16204a, 333.16204b, 333.16204c, and 333.16204d), section 16204a as amended by 1998 PA 421, section 16204b as added by 1998 PA 422, and sections 16204c and 16204d as added by 1998 PA 423.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 661, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402a (MCL 550.1402a), as amended by 1998 PA 426.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 662, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2212a (MCL 500.2212a), as amended by 1998 PA 424.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 664, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 1998 PA 88.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 746, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 213 (MCL 450.1213).

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 747, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," (MCL 450.4101 to 450.5200) by adding section 204a.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 781, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5656, 5657, 5658, 5659, and 5660 (MCL 333.5656, 333.5657, 333.5658, 333.5659, and 333.5660), as added by 1996 PA 594.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 782, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5652, 5653, 5654, and 5655 (MCL 333.5652, 333.5653, 333.5654, and 333.5655), sections 5652 and 5655 as added by 1996 PA 594 and sections 5653 and 5654 as amended by 2000 PA 58.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, October 23, 2001, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz and Byrum

Excused: Senator Emerson

COMMITTEE ATTENDANCE REPORT

The Committee on Detroit Metro Airport Review submits the following:
Meeting held on Tuesday, October 23, 2001, at 2:00 p.m., Room 210, Farnum Building
Present: Senators Steil (C), Bennett, Stille, Leland and Emerson

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Legislature Approval of SOCC Recommendation (SJR D) submits the following:
Meeting held on Wednesday, October 24, 2001, at 9:00 a.m., Room 110, Farnum Building
Present: Senators McCotter (C), Sikkema and Leland

Scheduled Meetings

Appropriations - Wednesday, October 31, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Education - Monday, October 29, 2:00 p.m., 8th Floor Conference Room, Farnum Building (373-7350)

Financial Services - Wednesday, October 31, 9:30 a.m., Room 100, Farnum Building (373-1758)

Great Lakes Conservation Task Force - Tuesday, October 30, 6:00 p.m., City of Port Huron Municipal Office Center, 100 McMorran Boulevard, Port Huron; Monday, November 5, 6:00 p.m., St. Joseph Public Library, 500 Market, St. Joseph; Monday, November 26, 6:00 p.m., Saginaw Valley State University, Curtis Center, 2250 Pierce Road, University Center (373-0797)

Health Policy - Tuesday, October 30, 3:00 p.m., Room 100, Farnum Building (373-0793)

Judiciary - Wednesday, October 31, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Natural Resources and Environmental Affairs - Tuesday, October 30, 1:30 p.m., 8th Floor Conference Room, Farnum Building (373-0797)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 12:31 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, October 30, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

