

**No. 39**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Thursday, May 2, 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 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

Cris Bobier of Potter Park United Methodist Church of Lansing offered the following invocation:

It is an honor, O God, to stand in this space and invite You to fill this place with Your holy presence. We acknowledge that You are present with us even before we ask, but it reminds us to always seek You first. We give thanks for this day and know that You offer light in the midst of its gloominess.

I thank You now for those gathered here who have been given the charge of hearing the cries of Your people—cries for justice and mercy—and ask that Your Holy Spirit would direct them. I ask that they would walk humbly with You, O God. Guide their every step this day. Grant them wisdom in their budgetary decisions. Guide them to share Your abundance with those who are in need. Help them to remember that what is done unto the least of these is done unto You. Help them to protect Your creation as the sacred and holy ground that it is. Help us all remember that generations to come will reap what we sow; remind us of this with every decision we make, and help us pass on a blessing and not a curse.

Most of all, O God, help us see that of You in each other. With this oneness of spirit, let us treat each other in the manner in which we would treat You with gentleness and mutual respect. Abide in us, O God, as we abide in You. Amen.

Senator Bennett entered the Senate Chamber.

### **Motions and Communications**

Senator Emmons moved that Senators Garcia, Schuette and Schwarz be temporarily excused from today's session. The motion prevailed.

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

Senator Smith entered the Senate Chamber.

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

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

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

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

### **Recess**

Senator Emmons moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:06 a.m.

10:18 a.m.

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

During the recess, Senator Emerson introduced to the Senate firefighters of Engine 214, Ladder 111, of the New York City Fire Department and presented them with Senate Resolution No. 212 and a State Seal.

Firefighter Saporito responded briefly.

During the recess, Senators Schwarz and Garcia entered the Senate Chamber.

The following communication was received and read:

Office of the Auditor General

April 30, 2002

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Certificate of Need Program, Certificate of Need Commission, Department of Community Health, April 2002.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 1:  
**House Bill Nos. 4818 5103 5107 5475 5521 5758 5761 5808 5832 5850 5899**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 1, for his approval the following bills:

**Enrolled Senate Bill No. 846 at 4:15 p.m.**  
**Enrolled Senate Bill No. 848 at 4:17 p.m.**  
**Enrolled Senate Bill No. 852 at 4:19 p.m.**  
**Enrolled Senate Bill No. 853 at 4:21 p.m.**  
**Enrolled Senate Bill No. 854 at 4:23 p.m.**  
**Enrolled Senate Bill No. 981 at 4:25 p.m.**  
**Enrolled Senate Bill No. 983 at 4:27 p.m.**  
**Enrolled Senate Bill No. 984 at 4:29 p.m.**  
**Enrolled Senate Bill No. 985 at 4:31 p.m.**  
**Enrolled Senate Bill No. 986 at 4:33 p.m.**  
**Enrolled Senate Bill No. 988 at 4:35 p.m.**  
**Enrolled Senate Bill No. 1038 at 4:37 p.m.**  
**Enrolled Senate Bill No. 1039 at 4:39 p.m.**  
**Enrolled Senate Bill No. 1040 at 4:41 p.m.**  
**Enrolled Senate Bill No. 1042 at 4:45 p.m.**  
**Enrolled Senate Bill No. 1044 at 4:47 p.m.**  
**Enrolled Senate Bill No. 1046 at 4:49 p.m.**  
**Enrolled Senate Bill No. 1048 at 4:51 p.m.**  
**Enrolled Senate Bill No. 1059 at 4:53 p.m.**  
**Enrolled Senate Bill No. 1060 at 4:55 p.m.**  
**Enrolled Senate Bill No. 1061 at 4:57 p.m.**  
**Enrolled Senate Bill No. 1063 at 4:59 p.m.**  
**Enrolled Senate Bill No. 1065 at 5:01 p.m.**  
**Enrolled Senate Bill No. 1066 at 5:03 p.m.**

The Secretary announced the printing and placement in the members' files on Wednesday, May 1, of:

**Senate Bill Nos. 1253 1254 1256 1257 1258 1259 1260 1261 1262 1263 1264**  
**House Bill Nos. 5969 5970 5971 5972 5973 5974 5975 5976 5977 5978 5979 5980 5981 5982**  
**5983 5984 5985 5986 5987**

### Messages from the Governor

The following messages from the Governor were received:

Date: May 1, 2002  
 Time: 1:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 839 (Public Act No. 250), being**

An act to amend 1968 PA 2, entitled "An act to provide for the formulation and establishment of uniform charts of accounts and reports in local units of government; to define local units of government; to provide for the examination of the books and accounts of local units of government; to provide for annual financial reports from local units of government; to provide for the administration of this act; to prescribe the powers and duties of the state treasurer, the attorney general, the library of Michigan and depository libraries, and other officers and entities; to provide penalties for violation of certain requirements of this act; to provide for meeting the expenses authorized by this act; to provide a uniform budgeting system for local units; and to prohibit deficit spending by a local unit of government," by amending section 4 (MCL 141.424), as amended by 2000 PA 493.

(Filed with the Secretary of State on May 1, 2002, at 3:42 p.m.)

Date: May 1, 2002  
 Time: 1:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 882 (Public Act No. 251), being**

An act to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and

associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," (MCL 500.100 to 500.8302) by adding section 3341.

(Filed with the Secretary of State on May 1, 2002, at 3:44 p.m.)

Date: May 1, 2002

Time: 1:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1026 (Public Act No. 252), 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 repealing section 502 (MCL 750.502).

(Filed with the Secretary of State on May 1, 2002, at 3:46 p.m.)

Date: May 1, 2002

Time: 1:46 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1057 (Public Act No. 253), being**

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

(Filed with the Secretary of State on May 1, 2002, at 3:48 p.m.)

Date: May 1, 2002

Time: 1:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 837 (Public Act No. 256), being**

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

(Filed with the Secretary of State on May 1, 2002, at 3:54 p.m.)

Date: May 1, 2002  
Time: 1:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 838 (Public Act No. 257), being**

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

(Filed with the Secretary of State on May 1, 2002, at 3:56 p.m.)

Date: May 1, 2002  
Time: 1:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1006 (Public Act No. 258), being**

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

(Filed with the Secretary of State on May 1, 2002, at 3:58 p.m.)

Date: May 1, 2002  
Time: 2:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1034 (Public Act No. 260), 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 repealing section 348 (MCL 750.348).

(Filed with the Secretary of State on May 1, 2002, at 4:02 p.m.)

Date: May 1, 2002  
Time: 2:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1035 (Public Act No. 261), 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 16q of chapter XVII (MCL 777.16q), as added by 1998 PA 317.

(Filed with the Secretary of State on May 1, 2002, at 4:04 p.m.)

Date: May 1, 2002  
Time: 2:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1037 (Public Act No. 262), 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 repealing section 494 (MCL 750.494).

(Filed with the Secretary of State on May 1, 2002, at 4:06 p.m.)

Respectfully,  
John Engler  
Governor

### Messages from the House

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

**Senate Bill No. 989**

The motion prevailed.

**Senate Bill No. 639, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 8142 (MCL 500.8142), as amended by 1998 PA 279.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 685, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 64.

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. 1081, entitled**

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

The 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. 1083, entitled**

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

The 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. 1084, entitled**

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

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

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

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

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

**House Bill No. 5821, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 445 (MCL 380.445).

**House Bill No. 5837, entitled**

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 23 (MCL 124.473).

**House Bill No. 5838, entitled**

A bill to amend 1956 PA 111, entitled "An act to provide for the acquisition, construction, establishment, opening, altering, improving and maintaining of highways; authorizing contracts between townships and boards of county road commissioners for the same; authorizing townships to finance their share of the cost of the same from its contingent fund, special assessments, and bonds or short term notes issued in anticipation of the receipt of sales tax moneys or general obligation bonds; and to prescribe procedures and conditions relative to the issuance of said bonds or short term notes," by amending sections 4 and 5 (MCL 247.354 and 247.355), section 4 as amended by 1983 PA 109.

**House Bill No. 5841, entitled**

A bill to amend 1963 PA 55, entitled "An act to provide for the incorporation of public authorities to acquire, own, and operate or cause to be operated mass transportation systems; to require the state to guarantee payment of certain claims against certain transportation authorities and to give the state a lien in satisfaction of payment; to prescribe the rights, powers, and duties of those public authorities; to provide for the issuance of bonds; to provide for the levy and collection of certain taxes; and to authorize contracts between those authorities and either public or private corporations to carry out the operation of those mass transportation systems," by amending section 7 (MCL 124.357), as amended by 1983 PA 137.

**House Bill No. 5842, entitled**

A bill to amend 1911 PA 28, entitled "An act to authorize the board of supervisors of any county to raise by taxation or borrow money for the purpose of purchasing real estate for sites for, and constructing or repairing public buildings and bridges; to limit the amount that can be raised or borrowed for such purpose by such boards in certain cases; to authorize such boards to submit the question of raising or borrowing money for such purposes to the electors of their certain counties; to provide for the manner of submission; and to repeal Act No. 41 of the Public Acts of 1909, entitled "An act limiting the amount which may be raised in any county in any 1 year by the board of supervisors," approved April twenty-first, 1909," by amending section 1 (MCL 141.71).

**House Bill No. 5843, entitled**

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 22 (MCL 224.22).

**House Bill No. 5846, entitled**

A bill to repeal 1927 PA 109, entitled "An act to authorize cities to raise by loan, or borrow money for the construction, improvement, repair and maintenance of bridges and to issue bonds of the said cities to secure repayment thereof and validating proceedings heretofore taken authorizing the issuance of such bonds," (MCL 254.81 to 254.83).

**House Bill No. 5847, entitled**

A bill to repeal 1911 PA 6, entitled "An act to authorize any city within this state, bordering upon any navigable stream which is the boundary line between this state and any other state, in conjunction with any city bordering upon said navigable stream in said other state, to construct and maintain bridges across said stream between said cities," (MCL 254.91 to 254.94).

**House Bill No. 5848, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 131 (MCL 259.131).

**House Bill No. 5849, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 205 (MCL 330.1205), as amended by 2000 PA 228.



**House Bill No. 5851, entitled**

A bill to repeal 1919 PA 305, entitled "An act to authorize the issue of bonds; to provide sites for and for the erection thereon of public libraries and for additions to and improvements of such sites and the buildings thereon, whether now existing or hereafter acquired, in cities, villages and school districts where free public libraries have or may hereafter be established," (MCL 397.241 to 397.246).

**House Bill No. 5852, entitled**

A bill to amend 1988 PA 265, entitled "District library financing act," by amending sections 4, 5, and 9 (MCL 397.284, 397.285, and 397.289), sections 4 and 5 as amended by 1989 PA 25.

**House Bill No. 5854, entitled**

A bill to amend 1913 PA 261, entitled "An act to authorize boards of education to provide for the maintenance of free public libraries existing under the control of boards of education of the cities; to authorize and empower said boards of education to raise or borrow money and issue bonds in sufficient sum to purchase property or site, erect and maintain buildings for use as a free public library and other educational purposes," by amending section 2 (MCL 397.262).

The bills were placed on the order of Third Reading of Bills.

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

**House Bill No. 5822, entitled**

A bill to amend 1993 PA 159, entitled "An act to provide for the establishment of a base conversion authority; to prescribe the powers and duties of the base conversion authority; and to provide for conversion of certain bases to civilian uses," by amending section 8 (MCL 3.578).

Substitute (S-1).

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

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

**House Bill No. 5823, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 4302 (MCL 324.4302).

Substitute (S-1).

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

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

**House Bill No. 5836, entitled**

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," by amending section 16 (MCL 124.416), as amended by 1983 PA 31.

Substitute (S-1).

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

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

**House Bill No. 5839, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and

townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10n (MCL 247.660n) as added by 1987 PA 234.

Substitute (S-1).

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

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

**House Bill No. 5840, entitled**

A bill to amend 1952 PA 175, entitled "An act to authorize incorporated cities and villages to borrow money and issue bonds in anticipation of future payments from the motor vehicle highway fund, for any purpose or purposes for which said funds may be used and for the purpose of refunding such bonds; authorizing the pledging of the faith and credit of the issuing city or village, upon proper resolution of its governing body, as additional security for the payment of said bonds; and to prescribe procedures and conditions relative to the issuance of such bonds," by amending sections 1 and 3 (MCL 247.701 and 247.703), section 1 as amended by 1998 PA 506 and section 3 as amended by 1988 PA 152; and to repeal acts and parts of acts.

Substitute (S-1).

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

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

**House Bill No. 5844, entitled**

A bill to repeal 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," (MCL 252.51 to 252.64).

Substitute (S-1).

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

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

**House Bill No. 5855, entitled**

A bill to amend 1917 PA 5, entitled "An act authorizing organized townships and incorporated villages in the state of Michigan to borrow money and to issue bonds therefor for the purpose of establishing free public libraries, purchasing sites and constructing buildings thereon," by amending section 4 (MCL 397.324); and to repeal acts and parts of acts.

Substitute (S-1).

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

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

**Senate Bill No. 1094, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 720 (MCL 257.720), as amended by 1996 PA 136.

Substitute (S-2).

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

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:

- Senate Bill No. 81**
- House Bill No. 4848**
- House Bill No. 5151**
- House Bill No. 5398**
- Senate Bill No. 878**
- Senate Bill No. 415**
- House Bill No. 4655**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 81, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2002 PA 130.

The question being on the passage of the bill,

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

**Roll Call No. 473**

**Yeas—36**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
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**

Schuette	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Schuette entered the Senate Chamber.

Senators Peters, DeBeaussaert, McManus, Stille, Smith, Young, Hammerstrom, Garcia, Bullard, Hoffman, Leland, McCotter, Van Regenmorter, Scott, Miller, Byrum, Murphy, Sanborn, Schwarz and Schuette moved that they be named co-sponsors of the bill.

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4848, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 486 (MCL 750.486).

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. 474**

**Yeas—37**

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

**Nays—0**

**Excused—1**

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 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,".

The Senate agreed to the full title.

The Assistant President pro tempore, Senator Hoffman, resumed the Chair.

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

**House Bill No. 4655, entitled**

A bill to revise the priority of allocation of funds for certain programs and services administered by the department of community health; and to prescribe the powers and duties of certain state agencies and departments.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Smith offered the following amendment:

1. Amend page 3, line 25, after "grant" by inserting "from the prior year and in the same geographic area as the prior year".

The amendment was not adopted, a majority of the members serving not 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. 475****Yeas—23**

Bennett	Garcia	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
DeGrow	Gougeon	Miller	Steil
Dingell	Hammerstrom	North	Stille
Dunaskiss	Hoffman	Sanborn	Van Regenmorter
Emmons	Koivisto	Schuette	

**Nays—14**

Byrum	Gast	Murphy	Scott
Cherry	Hart	Peters	Smith
DeBeaussaert	Johnson	Schwarz	Young
Emerson	Leland		

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Hoffman

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Emmons requested the yeas and nays.

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

**Roll Call No. 476****Yeas—22**

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

**Nays—15**

Byrum	Gast	Leland	Scott
Cherry	Hart	Murphy	Smith
DeBeaussaert	Johnson	Peters	Young
Emerson	Koivisto	Schwarz	

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Hoffman

**Protests**

Senators Peters, Schwarz, Johnson, Smith, Scott, Byrum, Hart and Gast, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4655 and immediate effect.

Senators Peters, Schwarz, Smith, Scott, Byrum and Hart moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement is as follows:

I just wanted to respond briefly to the Senator from the 26th District, who once again brought up the issue of taxpayer dollars and that this bill is related to taxpayer dollars and the access to legal abortions. We need to be very, very clear that this bill is not about taxpayer dollars and how they are spent. Funds for family planning are already prohibited from being used for abortions, and that’s both state and federal audits, which are also very clear in ensuring that there’s no commingling of funds so that those dollars are not used to provide abortion services.

The ironic thing about those who are supporting this bill is that it may actually increase the number of abortions. Without access to care, without access to thoughtful family planning, unwanted pregnancies may very well increase. The fact is that this bill will place women’s overall health at risk. We need to be conscious of the fact that 42 percent of uninsured people now already have no regular source of care, no access to care that they need, and they often have to seek out an emergency room for some of their basic care. In fact, 1 in 10 individuals in Michigan have limited access to any health care whatsoever.

The proper health care is not about whether or not someone supports or opposes abortion. It’s about ensuring that all women, including low-income women, have access to quality care. This bill, without question, is playing a game of risky politics at the expense of women just because some powerful special interest group is in denial about *Roe v. Wade*. Women’s health should not be placed in jeopardy for the sake of politics.

I urge my colleagues to vote “no” on this bill. If you don’t vote “no” on this bill, I urge you to deny immediate effect, so those clinics that are now providing needed services to women across this state can continue to do that with the budgets in place for as long as possible and can make the proper planning they need to do so that they can continue to provide that health service for years to come. So please vote “no” on this bill. If you cannot vote “no,” then please vote “no” on immediate effect.

Senator Schwarz’s statement, in which Senator Johnson concurred, is as follows:

House Bill No. 4655 represents an attempt to deny federal Title X funds to 60,000 women and a few men for birth control counseling, prescription and nonprescription methods, including family planning; yearly gynecological checkups, including breast exams and Pap tests; pregnancy testing and counseling with referrals for prenatal care; testing and treatment for sexually transmitted diseases, HIV and AIDS testing and counseling; services for women in midlife, including hormone replacement therapy; and laboratory screening for high blood pressure, cholesterol, diabetes, and other conditions. Further, the bill would divert the funds instead to organizations philosophically in tune with the organization which undeniably owns this bill.

All people are free to hold an opinion on this issue according to their own religious, ethical, and moral beliefs. That fact is not now, nor has it ever been, an issue. It is a matter of personal choice.

The real issue is that this clearly and blatantly subverts the law of the land. It is another instance where a group, predominantly men—and I say this as someone who has delivered hundreds of babies; some under the most primitive conditions in the world, and have done my very, very best to make sure the baby and the mother did well. In this instance, a group, predominantly men, tell women what their reproductive rights are; that they know best. And one political party professes to wonder why women, angry women, are leaving it in droves.

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

Now we’ve heard a lot about the impact of Jim Crow to health care and to abortions. I want this body to understand that probably only one member has been impacted by Jim Crow laws in the United States, and that’s me. When I was two years old living in Columbia, South Carolina, my identical twin sister caught her dress on fire and because the family was black, we could not get an ambulance to take her to the hospital, and she died. Don’t talk to me about Jim Crow. Don’t use that to make any kind of comparison to what’s happening here. Abortions in the United States are safe, they are rare, and they are constitutional. They are declining in number year after year because Planned Parenthood works carefully in family planning issues with young and middle-aged women and because they use their own dollars to make sure women get the information they need to make wise choices about their reproductive health.

Planned Parenthood of Mid-Michigan is not the enemy here. Taking dollars away from an organization that makes certain that young women and middle-aged women have the care they need through their pregnancies to deliver healthy babies is what they are about. And what they deserve is to continue to do that without having to jump through additional hoops because you've got an agenda that this bill does not address. I urge my colleagues to defeat this bill.

Senator Scott's first statement is as follows:

I rise to support Senator Smith's amendment. You know, we continue to debate this about abortions. It's about giving some access to young women and men who need this information. So I would hope that my colleagues would certainly vote for this amendment.

It is important that we give information; that is what's wrong now is that we don't give enough information out. It's always after the fact, and then we say, "Oh, I'm sorry we should have done this."

I heard one of my colleagues yesterday go all the way back to slavery time and said it was wrong. Well, you'll find out later in life that this is wrong, and you need to support the Smith amendment.

Senator Scott's second statement is as follows:

I hope my colleagues will just really think about what we're doing here today.

We keep talking about saving the unborn baby. But what about the prevention that this bill really does, and then we wouldn't have to worry about the pregnancies, or for those who are pregnant, that they would be able to get some help. That's what it's really all about. But whenever we talk about prevention, nobody wants to hear about it. It's only after the fact. Then when the babies are born, we don't really seem to care that much about them. That's because we don't put our monies where our mouths are at that time.

I would hope that we would defeat this bill, and know what it's really about—not just organizations. It's about what this organization does, and it's pitting one against the other, which is wrong. It was said earlier that there's a lot of men who are involved in an organization who care about women. Well, if you do care about them, then I would suggest that we defeat this bill.

It's about prevention. This is an organization that you're talking about that you don't want to include. It's an organization that has been around for many years that has helped so many people. I would hope that we would defeat this bill.

Senator Byrum's statement is as follows:

I, too, rise in opposition to the bill before us. I, for one, as a Senator representing the 25th District, am not going to stand here and allow the debate to be framed as that of an abortion debate. This is not about abortion. This is about access to basic preventative health care for a large number of individuals in this state. This is an access bill. This is a bill that is trying to divert funding from clinics that we know provide a valuable health service to a lot of citizens in this state—7,000 in my county alone. Those are residents of this county who the public health department does not see, does not have the capacity to see, and are part of the health care delivery of this community. I would submit to the body that having effective family planning services, preventing pregnancy, is something that we should all be able to agree upon is a good public health interest. Planned Parenthood is about preventing unwanted pregnancies. It is about giving adequate, accurate information to individuals, and it is about accessing primary health care. This is not about abortion, and the abortion debate should be left for another day. This is about limiting access to health care for citizens who depend upon clinics such as Planned Parenthood to give them access to help. I would urge defeat of the bill.

Senator Hart's statement is as follows:

For all my 20 years in the Legislature, I have voted consistently for Right to Life—99.9 percent of the time—but somehow I just can't do it again, not on this issue. Tampering with the allocation for family planning does not make sense. These family planning programs that are being targeted help with low-income and uninsured women, and they provide safety and security. These programs help to detect cervical cancer, breast cancer, and sexually transmitted diseases. Women who aren't pregnant use this program to prevent unwanted pregnancies. Pregnant women use these programs to help with prenatal and other obstetrical care. Having healthy women means having healthy children. Safe women means safe children.

This bill places in jeopardy good family planning programs simply because we don't support one legal practice that they provide information for upon request. People do have the right to seek out options, and that's what this is all about. No matter what they are, they still have that option. Sacrificing women's access to quality and safe health care is appalling and inhumane. For these reasons, I oppose the bill.

Senator Gast's statement is as follows:

Well, I don't think anybody in this chamber can honestly say they're in favor of abortion. Certainly, I am not, but I voted against this bill.

It's not about abortion. It's about preventing abortion, primarily the funding for Planned Parenthood. This that we voted on today is more about sharpening the ax for a litmus test: "I'm more for Right to Life than you are, therefore, I deserve your support. You should vote for me." That's what this is mostly about.

We bring it up every year before election to make that point. I say that from a personal experience I've had where I've been about 95 percent in favor of pro-life, against abortion, and because I'm not 101 percent, I don't get your endorsement. Somebody else will. To me, that just ticks me off. You've got to be absolutely 100 percent pure, or you're no damn good at all. I don't subscribe to those kind of threats. That's why I voted "no."

Senators Gougeon, Shugars, Garcia, Van Regenmorter and Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gougeon's statement is as follows:

This bill is merely a priority bill. The argument that has been brought forward that somehow because we're setting a priority on where these funds go means that we are eliminating services to people in need, especially men who seek these reproductive services, I assume, to get their tubes tied. Is that correct, good doctor? The fact of the matter is that this scare tactic that federal dollars are somehow going to disappear because we're setting a priority and that some other clinic may be awarded the funds that aren't qualified to treat people, and therefore, receive federal dollars is a myth, a scare tactic.

The issue that I want to deal with is why this bill and why do we keep having bills dealing with abortion and abortion rights. I guess I want to present a few comments on the other side about why we keep fighting. They say one side is going to lose all the female vote because the other side doesn't value the reproductive rights of women, but I will tell you that this side values human life. That's why we keep doing it. One side says that an unborn child is simply a piece of meat to be dispensed at the will of the mother and the doctor who's attending her. The other side says that it's human life from the time of conception. We value human life from the time of conception. That's why we keep fighting.

One side says that *Roe v. Wade* is the law of the land, and therefore, why don't you get with it and just simply give up and obey the law you swore to obey? Why don't you just get with it and do it? And this side says that *Roe v. Wade* violates the civil rights of an unborn child.

Every day we pick up the newspaper and see the Jim Crow laws that children in this state and in this nation live with: Kill them any time you want. Take their life; it's OK. And we'll do it by virtually vacuuming their brains out as an instrument of death. How would you like to live with that? We refuse to live with that! That's why we keep fighting every day. And there are more bills out there today to continue the fight. We won't give up.

Is the Supreme Court of the United States infallible? The representative from Wayne County mentioned just a while ago about the Dred Scott decision. You go chase a person anywhere you want and bring them back, and subsequently, the test of time has proven they were wrong.

The Supreme Court of the United States in its majesty said that we could intern Japanese Americans during World War II. Forget about the Italians. Forget about the German Americans. But we could intern the Japanese Americans. They upheld that as the law of the land. That was the law; go ahead and do it.

*Roe v. Wade* has never been codified. It is not the law of the people of this land. It is the law of nine justices who imposed the law on us because they don't have the same value for human life that we do. So we'll continue the fight to value human life. That's what it's about. That's the bottom line—this bill and every bill that we will bring. We will not stop fighting.

Martin Luther King never stopped fighting for civil rights for his people. He was whipped. They sent the dogs out after him in Selma, Alabama, but he kept up the good fight. Finally, they won with the civil rights bills that President Kennedy and President Johnson worked on.

They just didn't go far enough. They didn't extend the civil rights to an unborn child who has a unique DNA and is a unique person in all of this world—47 million have been disposed of. They would have been adults by now. They may have served in this very chamber. They may have been the children who watch us work every day, but they're gone. Who is here to speak for them? Should we shut up because *Roe v. Wade* is the law of the land and never bring a bill again? Just shut up. When are you going to get it? It's the law of the land, so shut up and just do it. Watch every day as more unborn children have their brains vacuumed out as an instrument of death, and we can't do a thing about it. We'll go on, and I will tell you now—there will be many of us who will continue the fight today, tomorrow, and forever. This fight will never be done as long as this nation and this state is divided on the issue of valuing human life.

Senator Shugars' statement is as follows:

I rise in opposition to this amendment. I find it interesting that we start talking about quality of health care for women, and I just want to read a few things that I received on my fax this morning that's with one of the Planned Parenthood clinics in the state of Michigan. It's titled, "Caring for Yourself After an Abortion," and it goes on and tells you the normal side effects from bleeding to discharge to cramps and those type of things. But it closes this way—and this is the quality of health care we supposedly want—"If you have a problem side effect, please call us. Do not go to the emergency room unless we tell you to. We are available 24 hours a day," and then it goes on to list the times and the phone numbers. I find it very interesting that if a woman is experiencing extreme bleeding, they tell them don't go to the emergency room, but call us and we'll get back to you within some 24-hour period.

So I urge my colleagues to vote "no" on this amendment and "yes" on the bill.



Senator Garcia's statement is as follows:

I don't want to belabor the debate, but while I agree with the good Senator from the 34th District, this bill is designed to prioritize how we spend state dollars. Taxpayers don't want state dollars going directly or indirectly to help with abortions. We should start spending our health care dollars with those organizations or clinics or health care facilities that don't advocate abortion—plain and simple. We've heard this morning one speaker said this is about abortion, and the other speaker said this is not about abortion. Whatever the case is, it's really about spending state dollars, how we prioritize, and where we begin to do that. Once again, it does not limit access to health care dollars.

Senator Van Regenmorter's statement is as follows:

A lot has been said and a lot of information has been put forward, and I don't want to take the body's time more than to briefly state that *Roe v. Wade* has been mentioned a number of times and has been given a position of importance that it may not deserve as it relates to this particular issue, which is specifically our state attempting through funding mechanism to protect the life of unborn children.

There are some cases that followed *Roe v. Wade*, which do something to explain them. Two of them come to mind. One is *Webster v. Reproductive Health Services*, and the other is *Planned Parenthood v. Casey*, both are prodigies of *Roe v. Wade*. In *Casey*, the U.S. Supreme Court explained, in part, *Roe v. Wade*, and it's rather interesting. I'm going to give you one quote from *Casey*. It deals directly with what we're doing, and it seems to me it authorizes and almost blesses it. It's the U.S. Supreme Court in *Casey* explaining *Roe* relative to the ability to pass laws restricting abortion rights, and here's what they say: "This, too, we find consistent with *Roe*'s central premises, and indeed, the inevitable consequence of our holding that the state has an interest in protecting the life of the unborn." And that is what the state is doing with this bill.

Senator Smith's first statement is as follows:

This is the amendment that I offered yesterday on General Orders, and this amendment would require that an entity replacing a Planned Parenthood clinic cover the same geographical area that the Planned Parenthood clinic is currently serving. The reason for that is that it will be cost-effective if we have one replacing one instead of seven entities or fewer replacing one. We won't be duplicating the administrative overhead expenses. And as an example, yesterday I cited the Planned Parenthood of Mid-Michigan affiliate which covers the cities of Ann Arbor, Brighton, Jackson, Lenawee County, and other communities. These facilities provide more care for women, children, and men in every realm of health care and family planning. They spend no federal or state dollars on abortion services, and what this amendment does is make sure that should they be replaced by a preferred provider, the preferred provider would have to cover the same territory.

It would be a shame for women to lose their gynecological care, their obstetric care in the course of treatment for pregnancy because we lose the services, and we lose them with an immediate effect. I urge my colleagues to support the amendment.

Senator Smith's second statement is as follows:

There is language in the bill dealing with geographical areas, but what my amendment would say is that you have to have one entity serving the same geographical area if you were replacing one entity currently serving that geographical area, and that is not what this legislation currently does. Again, what the legislation that is in place before us does without the amendment would allow the department to choose five, seven, or ten providers to provide the same service that one facility is currently doing, and it would increase the administrative costs and reduce the dollars available for health care.

It just makes sense to use our dollars cost-effectively, particularly in a time when we are facing a lowering of services in Medicaid because we have fewer dollars and fewer providers. This is not the time to be creating multiplicities of administrations that swallow up federal and state dollars and reduce services to people. I urge my colleagues to support the amendment.

Senator Smith's third statement is as follows:

The comment from the Senator from the 21st District was totally irrelevant to the amendment or to the issue before us. The issue before us is family planning dollars and whether or not the Planned Parenthood affiliates of the state of Michigan would be entitled to be one of the preferred providers in the state of Michigan or whether they would be sublimated to other entities.

The question before this chamber is should we take one of very few agencies that qualify for federal Title X coverage that have had audited contracts with the state and federal government for this money for family planning for years; should we take the most qualified facilities that are giving health care and family planning services to women and men in the state of Michigan and say, well, we'll probably end up giving you those dollars? But we're gonna put you through a number of hoops, and we're gonna make sure that you're going to be delayed in that funding process for a number of months until we've given everybody who might want to apply a chance to apply. And then determine their qualifications for service and then rule them out. Then three or four months into the budget year we're gonna give you the dollars to do the job.

In the meantime, hundreds of women have lost quality obstetric care, women have lost gynecological care, and men have lost consulting services for their reproductive and family planning difficulties—children see people at the Planned Parenthood clinics because sometimes they are the only facilities that will see the children—are out of luck, out of service, and without a provider because we want to get into a political squabble on the floor of the Michigan Senate and the House about whether or not we have the opportunity to delay funding and make lives difficult in the state. I urge my colleagues to support the amendment.

Senator Smith's fourth statement is as follows:

To the Senator from the 34th District, I think you misunderstood what I said, and maybe I didn't state it clearly enough. I stated that the services that are currently being provided by the Planned Parenthood affiliates are being provided because no other entity steps forward to do that. As a matter of fact, the reason why Planned Parenthood of Mid-Michigan is in so many areas is because not even the local county health department would accept the responsibility, and that's because the state government does not reimburse the 70 percent that people anticipate getting from state government, but much less. Instead of receiving \$90.00 of state money for family planning services, the clinics and the entities providing the family planning services get \$70.00. Nobody's going to come out there, and we're willing to take a loss for the state of Michigan. Over and over again we find this to be true.

If we delay, if we set up this pecking order that people have to wait while we are getting a determination on whether applicants are indeed certifiable under Title X and then they are denied, people are still waiting for services. We deny access, and I don't see anything inconsistent with the argument I put forward. This amendment deals with replacing one provider with another provider that covers the same territory. This amendment is designed to save the state money because we will be paying multi-providers administrative costs and delivering fewer services. We're currently today providing administrative costs of one provider, and we would be spending money for five, seven, or more. It's a cost-effective use of our money in very hard economic times. I urge my colleagues to support the amendment.

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

The following bill was read a third time:

**House Bill No. 5151, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2607.

The 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. 477**

**Yeas—37**

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

**Nays—0**

**Excused—1**

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5398, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 37 to chapter VIII.

The 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. 478**

**Yeas—37**

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

**Nays—0**

**Excused—1**

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 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.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 878, entitled**

A bill to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

The question being on the passage of the bill,

Senator Scott offered the following substitute:

Substitute (S-2).

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

**Protest**

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the substitute offered by Senator Scott to Senate Bill No. 878.

Senator Emmons' statement is as follows:

I voted “no” on the Scott substitute because there aren't funds. We spent 45 minutes arguing about how we are allocating the large amount of funds in the area of family planning.

There is no money, no money, and no program for people who decide to have their babies, and that's what this bill is about.

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. 479**

**Yeas—24**

Bennett	Garcia	Leland	Schuette
Bullard	Goschka	McCotter	Shugars
DeGrow	Gougeon	McManus	Sikkema
Dingell	Hammerstrom	Miller	Steil
Dunaskiss	Hoffman	North	Stille
Emmons	Koivisto	Sanborn	Van Regenmorter

**Nays—13**

Byrum	Gast	Murphy	Scott
Cherry	Hart	Peters	Smith
DeBeaussaert	Johnson	Schwarz	Young
Emerson			

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Smith's statement is as follows:

I would just like to point out that the family planning dollars that are used do, indeed, provide pregnancy planning and, throughout the term, provide for obstetric care. Those same dollars are used to make sure that women have a successful pregnancy, and that's why the argument on one of the bills earlier today took place here on the floor.

Senator Scott's first statement is as follows:

I urge my colleagues today to stand together and support responsibility, abstinence, and family planning. My substitute expands on the premise of the bill as passed out of committee to address the irresponsible behavior currently endorsed by the bill. I believe in helping students who are pregnant and students who are parents trying to juggle their studies with being a good parent. I also believe that we need to make sure that our college students stay on the right track by not having unplanned or unwanted pregnancies.

My substitute will expand the pregnant and parenting student services office in the bill to a responsible behavior family planning and parenting student services office so that we can also address the key issues of abstinence, family planning, and safer sex options so our young adults don't end up pregnant in the first place. If we are really about responsibility and really want to help our young adults, I urge you to vote for my substitute. Turning our backs on them and to only help them after they are pregnant is not the solution.

Senator Scott's second statement is as follows:

You know, it's been cited that as many as 1 in 5 abortions are performed on college students. The reason behind this tragic reality is that we aren't doing enough to prevent these pregnancies in the first place. We not only need to give young women a choice when they become pregnant through family-friendly resources, but we also need to help students know that they have a choice on pregnancy prevention and abstinence. The psychological effect of an unplanned pregnancy can be enormous. The effects can be even more devastating if the pregnancy is unwanted. Preventing an unplanned pregnancy today will do a tremendous amount for the future, emotionally and physically.

Overall, the benefits of a comprehensive program as depicted in my substitute will help decrease the number of abortions, ensure women can complete their postsecondary education, and encourage parenthood for when they are ready.

I urge adoption of my substitute. It's right, it's comprehensive, and it's responsible.

**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 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. 480****Yeas—37**

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

**Nays—0**

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Shugars, Gougeon, Emmons, North, McManus, Stille, Sanborn, Schwarz and McCotter moved that they be named co-sponsors of the bill.

The motion prevailed.

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. 214**

**Senate Resolution No. 216**

The resolution consent calendar was adopted.

Senators Van Regenmorter, Stille, McCotter, North, Bennett, Young, Shugars, Dingell and Garcia offered the following resolution:

**Senate Resolution No. 214.**

A resolution commemorating the week of May 12-18, 2002, as Michigan Police Week.

Whereas, The members of the Michigan Legislature consider it an honor to join in the commemoration of Michigan Police Week, to take place during the week of May 12-18, 2002. This is a fitting occasion to pay homage to the men and women who have fallen in the line of duty and to those who continue to lay their lives on the line for the public good; and

Whereas, Police officers daily face great jeopardy as they work diligently to enforce the law and protect our citizens. The police officer's life is one of great personal sacrifice, as are the lives of their families and loved ones. When the life of one officer is lost in the line of duty, there is a sorrow and sense of great loss that permeates an entire community; and

Whereas, Michigan Police Week offers an opportunity to acknowledge and express gratitude to law enforcement officers who have paid the supreme price for our safety with their lives, as well to those who have survived and continue their dedicated efforts on our behalf. As a precursor to the events of Michigan Police Week, the Michigan Concerns of Police Survivors (MI-COPS) will hold the eighth annual state of Michigan "Peace Officers Candlelight Memorial Service" on Monday, May 6, 2002. Law enforcement agencies from across the state will gather at the State Capitol to honor law enforcement heroes, to show strength and unity in the law enforcement community, and to gather in love and support for survivors; and

Whereas, In further support of this occasion, many will display a blue ribbon during the month of May in memory of police officers killed in the line of duty. This ribbon is a symbol of honor and tribute to those who have selflessly protected our communities; now, therefore, be it

Resolved by the Senate, That in commemoration of Michigan Police Week, the members of the Michigan Senate hereby join in offering a memorial to law enforcement officers killed in the line of duty and to surviving officers; and be it further

Resolved, That a copy of this resolution be transmitted to MI-COPS as a symbol of our respect.

Senators Dunaskiss, Goschka, DeBeaussaert and Hoffman were named co-sponsors of the resolution.

Senators Cherry, Emerson and Goschka offered the following resolution:

**Senate Resolution No. 216.**

A resolution honoring Dan Cypher on the occasion of his retirement as superintendent of the Montrose Community Schools.

Whereas, Dan Cypher dedicated endless hours of devotion ensuring a first-class education for students whose lives he touched during his tenure of more than thirty years as a teacher, principal, and superintendent; and

Whereas, His childhood was spent in the Genesee/Livingston County area attending Cook Elementary School in Flint through the 5th grade before moving with his family to Fenton. In 1968, Dan graduated from Fenton High School after excelling in his studies and spending his free time playing baseball, basketball, and football for the old County B League of the 1960s. One of Dan's greatest memories includes being undefeated in football during his junior and senior seasons; and

Whereas, Dan continued his love for learning after graduating from high school and moving to East Lansing to pursue a degree in elementary education. Following graduation from Michigan State University with a Bachelor of Arts, he continued his studies at the University of Michigan. After earning a master's degree from the University of Michigan, Dan concluded his classroom instruction at Central Michigan University where he pursued and earned an education specialist degree; and

Whereas, Dan Cypher began teaching 5th grade at Atherton Middle in Burton and continued his love for sports and extracurricular activities—now as a coach and adviser. After three years of teaching and coaching football and basketball for Burton Public Schools, Dan moved to Holly where he taught elementary school. He also started a varsity hockey team for the Holly Public Schools; and

Whereas, Continuing to build on his career in education, in 1986, he accepted a position as principal at Clarenceville Elementary School in Livonia. In 1988, he returned to the Genesee County area to be principal in the Carman-Ainsworth Community School District. In 1992, he became the superintendent of Montrose Community Schools. Dan remarkably led the campaign to pass a bond issue giving Montrose nearly \$13 million in building and technology improvements for all three schools. Under his leadership, Montrose Community Schools achieved North Central Accreditation at all three buildings; and

Whereas, Dan is a member of many civic organizations, including the Montrose Chamber of Commerce, the Montrose Lions Club, and is also an honorary member of the Montrose Blueberry Festival; and

Whereas, He has received many awards and praise from community members and the work he does on behalf of the entire Montrose community. Dan was honored as the Civil Servant of the Year by the Montrose Chamber of Commerce and was recently named Citizen of the Month by the city of Montrose; and

Whereas, Dan and his wife Laura plan to spend retirement enjoying their cottage in Tawas in the summer and on their boat in Florida in the winter; now, therefore, be it

Resolved by the Senate, That we extend highest tribute and commendation to Dan Cypher as he retires as superintendent of the Montrose Community Schools; and be it further

Resolved, That copies of this resolution be transmitted to Dan, his family, and the Montrose Community Schools as evidence of our regard and our deepest appreciation for his lasting contributions on behalf of the entire Montrose community.

Senators Smith, Young, DeBeaussaert, Peters, Byrum, Hart, Cherry, Murphy, Emerson and Scott offered the following resolution:

**Senate Resolution No. 215.**

A resolution to memorialize the President and Congress of the United States and the Environmental Protection Agency to maintain the existing regulations regarding new source review standards.

Whereas, Section 111 of the Federal Clean Air Act requires the adoption of standards (new source review) reflecting the best available control technology for facilities that cause or contribute significantly to air pollution that may endanger public health or welfare; and

Whereas, The Environmental Protection Agency adopted such standards of performance for the construction or modification of power plants; and

Whereas, The Bush Administration is reportedly considering modifications of the new source review program; and

Whereas, Acid rain, which is damaging sensitive ecosystems in many areas, is linked to the emissions from coal-burning plants; and

Whereas, Scientific research has established a well-defined link between power plant air emissions and human health impacts, including the exacerbation of symptoms for those with asthma, increased risk of heart attacks for those with heart disease, causation of lung cancer, and premature death; now, therefore, be it

Resolved by the Senate, That we memorialize the President and Congress of the United States and the Environmental Protection Agency to maintain the existing regulations regarding new source review standards. We urge that there be no modifications to regulations implemented under Section 111 of the Federal Clean Air Act if the result would be to jeopardize public health and environmental quality; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Administrator of the Environmental Protection Agency, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

### Introduction and Referral of Bills

Senator Gougeon introduced

**Senate Bill No. 1255, entitled**

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 3, 14, and 14a (MCL 38.1603, 38.1614, and 38.1614a), sections 3 and 14 as amended by 2000 PA 374 and section 14a as added by 1995 PA 192.

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

Senator Emmons introduced

**Senate Bill No. 1265, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 18c (MCL 247.668c).

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

Senator Emmons introduced

**Senate Bill No. 1266, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment,



retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 18d (MCL 247.668d).

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

Senator Emmons introduced

**Senate Bill No. 1267, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11 (MCL 247.661), as amended by 2000 PA 188.

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

Senator Emmons introduced

**Senate Bill No. 1268, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment

and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 18e (MCL 247.668e), as amended by 1985 PA 201.

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

Senator Emmons introduced  
**Senate Bill No. 1269, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 18f (MCL 247.668f), as amended by 1983 PA 82.

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

**House Bill No. 4818, entitled**

A bill to amend 1988 PA 234, entitled "Michigan Vietnam veterans memorial act," by amending the title and sections 3 and 7 (MCL 35.1053 and 35.1057), the title as amended by 2000 PA 470 and sections 3 and 7 as amended by 1992 PA 121.

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 Senior Citizens and Veterans Affairs.

**House Bill No. 5103, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16261, 16323, and 16608 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, and 333.16608), section 16106 as amended by 1997 PA 153, sections 16108 and 16186 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, and section 16608 as amended by 1990 PA 216.

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. 5107, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 161 (MCL 418.161), as amended by 1996 PA 460.

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 Human Resources and Labor.

**House Bill No. 5475, entitled**

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 309 (MCL 462.309).

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 Transportation and Tourism.

**House Bill No. 5521, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as added by 2002 PA 34.

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 Judiciary.

**House Bill No. 5547, entitled**

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by repealing section 10 (MCL 28.10).

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. 5758, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5419 (MCL 324.5419), as added by 2001 PA 165; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

**House Bill No. 5761, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20145 and 21523 (MCL 333.20145 and 333.21523), section 20145 as amended by 1993 PA 88.

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. 5808, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36101 and 36106 (MCL 324.36101 and 324.36106), section 36101 as amended by 2000 PA 262 and section 36106 as amended by 2002 PA 75.

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. 5832, entitled**

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending sections 3, 4, 6, 8, 9, 11b, 12, 13a, 14, 16, 19, 22, 30a, 30b, 33, and 44 (MCL 287.703, 287.704, 287.706, 287.708, 287.709, 287.711b, 287.712, 287.713a,

287.714, 287.716, 287.719, 287.722, 287.730a, 287.730b, 287.733, and 287.744), sections 3, 4, 6, 8, 9, 12, 14, 16, 19, 30a, 30b, 33, and 44 as amended and sections 11b and 13a as added by 2000 PA 323 and section 22 as amended by 1996 PA 369; and to repeal acts and parts of acts.

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

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

**House Bill No. 5850, entitled**

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending sections 401, 406, and 412 (MCL 331.1401, 331.1406, and 331.1412), as amended by 1988 PA 502.

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

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

**House Bill No. 5899, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2000 PA 502.

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 Transportation and Tourism.

**Committee Reports**

The Committee on Transportation and Tourism reported

**Senate Bill No. 1016, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 13c and 655a. 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.

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Leland and Hart

Nays: Senator 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

**Senate Bill No. 1124, entitled**

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

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

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, North, Leland and Hart

Nays: None

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

The Committee on Transportation and Tourism reported

**Senate Bill No. 1232, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 6, 7a, 212, 306, 307, 309, 312e, 312f, 319, 319b, 319c, 321, 321b, 323c, 667, 668, 669, 670, 732, 904, and 907 (MCL 257.6, 257.7a, 257.212, 257.306, 257.307, 257.309, 257.312e, 257.312f, 257.319, 257.319b, 257.319c, 257.321, 257.321b, 257.323c, 257.667, 257.668, 257.669, 257.670, 257.732, 257.904, and 257.907), section 6 as amended by 1992 PA 297, sections 7a and 323c as amended by 1991 PA 100, section 212 as amended by 1980 PA 398, section 306 as amended by 1999 PA 40, sections 307 and 319 as amended by 2001 PA 159, section 309 as amended by 2000 PA 456, section 312e as amended by 2000 PA 158, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, section 319c as

added by 1988 PA 346, section 668 as amended by 1980 PA 101, section 669 as amended by 1995 PA 248, section 732 as amended by 2001 PA 134, section 904 as amended by 2000 PA 77, and section 907 as amended by 2001 PA 214, and by adding sections 319g and 669a; and to repeal acts and parts of acts.

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.

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, North, Leland and Hart

Nays: None

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. 5220, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 66.

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, North, Leland and Hart

Nays: None

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 Tuesday, April 30, 2002, at 3:00 p.m., Room 110, Farnum Building

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

Excused: Senator Steil

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Thursday, April 18, 2002, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Goschka (C), Gougeon and Murphy

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Wednesday, May 1, 2002, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hoffman (C), Goschka and Young

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

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

Present: Senators McManus (C), Gast and Koivisto

#### Scheduled Meetings

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

**Subcommittees -**

**General Government** - Tuesday, May 7, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Natural Resources** - Tuesday, May 14, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Transportation** - Tuesday, May 7, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

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

**Health Policy** - Tuesday, May 7, 3:00 p.m., Room 100, Farnum Building (373-0793)

**Natural Resources and Environmental Affairs** - Tuesday, May 7, 1:30 p.m., Room 210, Farnum Building (373-0797)

Senator Emmons moved that the Senate adjourn.  
The motion prevailed, the time being 12:01 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 7, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.