

No. 64
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, October 2, 2001.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Senator Walter H. North of the 37th District offered the following invocation:

Dear God, we thank thee for this gorgeous day in our state. We thank thee for the opportunity to serve the citizens of Michigan. And as we confront problems that are facing all of us in this state, please grant us the wisdom and the courage and the compassion to find solutions that are fair and just for all. All of this we ask in thy name. Amen.

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:03 a.m.

11:05 a.m.

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

During the recess, Senators Sikkema, Johnson, Van Regenmorter, Garcia, Dunaskiss, DeGrow, Gougeon, Shugars, Stille, Bullard, Gast, Steil, McCotter, McManus, Bennett, Hammerstrom and Goschka entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

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

The following communications were received:
Office of the Auditor General

September 27, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of Wayne County Community College District, September 2001.

September 28, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Communications Division, Michigan Department of State Police, September 2001.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 26:

House Bill Nos. 4820 4829 5080

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 27, for his approval the following bills:

Enrolled Senate Bill No. 233 at 2:00 p.m.

Enrolled Senate Bill No. 551 at 4:13 p.m.

Enrolled Senate Bill No. 291 at 4:15 p.m.

The Secretary announced the printing and placement in the members' files on Wednesday, September 26, of:

Senate Bill Nos. 665 666 667 668 669 670 671

**House Bill Nos. 5081 5082 5083 5084 5085 5086 5087 5088 5089 5090 5091 5092 5093 5094
5095 5096 5097 5098 5099 5100 5101**

The Secretary announced the printing and placement in the members' files on Thursday, September 27, of:

Senate Bill Nos. 672 673 674 675 676 677 678

House Bill Nos. 5102 5103

Messages from the Governor

The following message from the Governor was received on September 28, 2001, and read:

EXECUTIVE ORDER

No. 2001 - 6

President's New Airline Safety Package

National Guard Assistance

Whereas, on September 11, 2001, terrorists hijacked four commercial airliners, utilized them in attacks on the World Trade Center in New York City and the Pentagon in Arlington, Virginia, and were preparing to use the fourth airliner in an attack when a passenger revolt may have caused the airliner to crash in rural Pennsylvania, short of its intended target; and

Whereas, in light of the attacks and the need to provide enhanced security at the nation's airports, President George W. Bush has announced an aggressive new airline safety plan; and

Whereas, part of the President's plan requests that the nation's governors call up their state National Guard, at federal expense, to provide a visible armed deterrent in all commercial airports that do not yet have a sufficient security presence until the new plan is in place and has been activated; and

Whereas, the Federal Aviation Administration will provide for the management and training of the National Guard personnel assigned to this duty; and

Whereas, Article V, Section 12 of the Constitution of the state of Michigan of 1963 empowers the Governor as commander-in-chief of the armed forces of the state to call out those forces to execute the laws of the state; and

Whereas, under the Michigan Military Act, Act. No. 150 of the Public Acts of 1967, as amended, being Section 32.501 et seq. of the Michigan Compiled Laws, the Governor is authorized to activate the national guard "for service in aid of civil authority, whether state or federal";

Now, Therefore, by virtue of the constitutional authority vested in me as Commander-in-Chief of the military forces of the state of Michigan and pursuant to Section 151 of Act No. 150 of the Public Acts of 1967, as amended, being Section 32.551 of the Michigan Compiled Laws, the Adjutant General is hereby directed to order to active state service, units and individuals of the Michigan National Guard which in his discretion he deems appropriate to ensure the safety of Michigan's commercial airports and otherwise to assist in federal efforts to secure those airports. Units or individuals called to active state service will terminate such service when determined by the Adjutant General after consultation with the Governor.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 27th day of September, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

September 28, 2001

Today I have signed Enrolled Senate Bill 233, containing fiscal year 2002 appropriations for the Department of Consumer and Industry Services. However, I am returning it to you because of an item of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific item vetoed is contained within the attached copy of the bill which has been filed with the Secretary of State.

The budget you have sent to me will provide the funding necessary for the Department of Consumer and Industry Services to support the health, safety and economic well being of the public through effective oversight and customer services.

However, given the fiscal constraints currently faced by the State of Michigan, one appropriation in this bill unacceptably exceeds the amount included in my budget recommendations. Therefore, I have vetoed the appropriation for Fire Protection Grants.

I appreciate the Legislature's cooperation in the development of this appropriation act.

Sincerely,
John Engler
Governor

The bill was signed by the Governor on September 28, 2001, at 11:35 a.m. (Filed with the Secretary of State on September 28, 2001, at 6:20 p.m.) and assigned Public Act No. 119.

The question being on the passage of the vetoed line item, the objections of the Governor to the contrary notwithstanding,

Senator Emmons moved that the veto message be referred to the Committee on Appropriations.

The motion prevailed.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF HISTORY, ARTS AND LIBRARIES

September 28, 2001

Today I have signed Enrolled Senate Bill 291, the Fiscal Year 2002 appropriation for the Department of History, Arts and Libraries and for certain other state departments and Fiscal Year 2001 supplemental appropriations for the departments of Agriculture and Environmental Quality.

However, I am returning it to you because of several items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution of 1963. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

Key provisions of this bill include:

- \$41.9 million total, \$36.7 million general fund, for the Department of History, Arts and Libraries. This appropriation represents the first budget bill for the department, created under a 19-bill package and signed into law as Public Acts 61 through 79 of 2001. These resources will be supplemented with Library of Michigan program funding, authorized under Public Act 83 of 2001.
- \$6.0 million general fund for Secondary Road Patrol and Traffic Accident Basic grants to county sheriff departments, restoring funding to the level recommended for Fiscal Year 2002.
- \$5 million general fund appropriation to the Agriculture Development Fund created by the Julian-Stille value-added act to support a value-added processing ethanol grant.
- \$3 million, supported by Tobacco Settlement Trust Fund revenue, for the Wayne State University perinatal research branch.
- \$197.8 million in additional federal Food Stamp spending authorization due to increasing caseloads.
- \$61.0 million for the Department of Environmental Quality to continue implementation of the Clean Michigan Initiative (CMI) and for other environmental projects.
- \$37.6 million for the Department of Natural Resources to provide acquisition and development grants supported by the Natural Resources Trust Fund.

My action today includes vetoes of \$200,000 for the Michigan biotechnology institute; \$100,000 for multicultural career training program and boilerplate section 220; \$200,000 for pregnancy and parenting services at higher education institutions and boilerplate section 225; \$200,000 for unspecified special projects for the Department of Community Health; \$9,421,000 for fire protection grants; \$3 million for the southwest Michigan innovation center and boilerplate section 602; \$1.5 million for the Oscoda Wurtsmith airport authority and boilerplate section 604; \$1.8 million for revenue sharing grants to counties and boilerplate section 900; and boilerplate section 603 earmarking \$200,000 from the Michigan promotion program for tourism activities in the northeast region of the state. I have vetoed these items due to amounts in excess of recommended levels of spending and in consideration of fiscal constraints facing the state of Michigan for Fiscal Year 2002.

I thank the Legislature for work on the budget for the Department of History, Arts and Libraries and for necessary supplemental spending items.

Sincerely,
John Engler
Governor

This bill was signed by the Governor on September 28, 2001, at 5:20 p.m. (Filed with the Secretary of State on September 28, 2001, at 6:24 p.m.) and assigned Public Act No. 120.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator Emmons moved that the veto message be referred to the Committee on Appropriations.

The motion prevailed.

Messages from the House

Senate Bill No. 291, entitled

A bill to make appropriations for the department of history, arts, and libraries, certain other state departments, and certain other state purposes for the fiscal year ending September 30, 2002; to make, supplement, and adjust appropriations for certain state departments and certain other state purposes for the fiscal years ending September 30, 2001 and September 30, 2002; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1) and ordered that the bill be given immediate effect.

Pursuant to a previous order, this bill was ordered enrolled on September 26, 2001.

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. 346

House Bill No. 4793

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 346, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2922a (MCL 600.2922a), as added by 1998 PA 211.

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. 311

Yeas—35

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	Schuette	

Nays—0

Excused—2

Vaughn

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Shugars moved that he be named co-sponsor of the following bill:

Senate Bill No. 346

The motion prevailed.

The following bill was read a third time:

House Bill No. 4793, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 691.1401), as amended by 1999 PA 205.

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. 312**Yeas—35**

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	Schuette	

Nays—0**Excused—2**

Vaughn

Young

Not Voting—0

In The Chair: Schwarz

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

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

Senate Resolution No. 111

The resolution consent calendar was adopted.

Senator DeBeaussaert offered the following resolution:

Senate Resolution No. 111.

A resolution honoring Dr. Rose B. Bellanca for being selected Woman of the Year.

Whereas, It is with deep appreciation and in recognition of Dr. Rose B. Bellanca for her many contributions in the field of education and within her community that we honor her for being selected as the 2001 Woman of the Year by the Columbus Day Celebration Committee; and

Whereas, Dr. Bellanca has dedicated her life to the education of our children and the betterment of the world in which we live; and

Whereas, As a professional educator, Dr. Bellanca's career began when she earned her bachelor's degree and teaching certificate from Wayne State University in 1973, and she was bolstered when she earned a Master of Education degree in 1977, an Educational Specialist Certificate in 1983, and a Doctor of Education degree in 1989; and

Whereas, She accepted her first teaching assignment at Fitzgerald High School in Warren in 1973 and later taught at Grosse Pointe North High School; and

Whereas, In 1982, Dr. Bellanca became the first woman to serve as the director of Vocational-Technical Education in Macomb County, while working for the Chippewa Valley School District. Altogether, she spent 19 years in progressively more responsible positions as director of Technology and Adult and Continuing Education and executive director of Personnel and Labor Relations, Strategic Planning, Professional Development, and Community Relations; and

Whereas, Dr. Bellanca was named assistant to the president of Macomb Community College in 1996, and shortly thereafter, assumed additional leadership responsibilities as the interim vice president for Student and Community Relations. She became vice president for Planning and Development, and in 1999, was named Macomb's provost, which is the highest academic position under the president of the college; and

Whereas, Throughout her educational career, Dr. Bellanca has always put the education and well-being of our children first, believing that every student can succeed if provided the right learning environment, instruction, and support; and

Whereas, Dr. Bellanca has been recognized for her many professional and community contributions by several organizations, among them being the Macomb County Woman of Distinction Award given by the Girl Scouts of Macomb County, Significant Contributions and Support for Technology Education Award by the Macomb County Vocational Administrators, and Distinguished Service Award by the city of Detroit; and

Whereas, She is a member of several community boards and organizations, including the board of directors for Henry Ford Health Systems, U.S. Selective Service Board, American Italian Professional and Business Women's Club (AMIT), and Americans of Italian Origin Society (AIO); and

Whereas, Dr. Rose B. Bellanca has distinguished herself as an outstanding citizen and a role model for our children and citizens; now, therefore, be it

Resolved by the Senate, That we hereby offer our congratulations and words of praise as we salute Dr. Rose B. Bellanca for being recognized and honored as the 2001 Woman of the Year by the Columbus Day Celebration Committee; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Bellanca on the occasion of her reception of the award on October 7, 2001, as evidence of our esteem for her many accomplishments and distinguished career as a leader in education.

Senator Miller was named co-sponsor of the resolution.

Senators Van Regenmorter, Shugars and Schuette offered the following resolution:

Senate Resolution No. 110.

A resolution to urge the Governor not to negotiate a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the state of Michigan.

Whereas, Over the past several years, Michigan has experienced substantial growth in the number and scope of casino gaming operations. The facilities include both those operated under tribal-state gaming compacts and those in

Detroit operating as a result of voter approval. From both types of enterprises, a significant volume of data has been collected; and

Whereas, Michigan's experience with casino gaming indicates a number of problems accompany the more benign effects of gambling. The severity of problems range from compulsive gambling and pathological addictions to increased crime and social breakdown; and

Whereas, The move to add yet another casino to Michigan, in west Michigan, is a threat to hundreds of individuals and families. The cost to neighboring communities is clearly too high. While the issue is extremely complicated, with unanswered questions of federal law and local authority, there is no uncertainty that many will suffer if a casino is located in west Michigan; now, therefore, be it

Resolved by the Senate, That we urge the Governor not to negotiate a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Stille, Hoffman and Sikkema were named co-sponsors of the resolution.

Senator Hammerstrom offered the following resolution:

Senate Resolution No. 109.

A resolution to memorialize the Congress of the United States to enact legislation to permit states to promote long-term care insurance under Medicaid.

Whereas, As the number of elderly in America continues its swift growth, the issue of long-term care will present an increasing number of problems for our nation. Demographic trends leave little doubt that, without significant changes, the publicly funded Medicaid program may be stretched beyond its capacity to respond adequately to the needs of our country's poor and elderly; and

Whereas, The challenge of paying for long-term care most often ends up being handled by Medicaid. The federal-state partnership of Medicaid, which is designed to provide health coverage for the poor, ends up covering the long-term care costs for millions of older Americans who become poor only because their resources are exhausted by the high costs of nursing homes or in-home care. Approximately one of every three Medicaid dollars is spent on long-term care; and

Whereas, While each state determines the eligibility requirements for Medicaid based on specific factors, general eligibility thresholds limit the assets that can be preserved by a Medicaid recipient and spouse; and

Whereas, There is a bill before Congress, H.R. 1041, that seeks to permit states more flexibility to enter into long-term care partnerships under Medicaid in order to promote the use of long-term care insurance. Clearly, any measure to increase insurance in this area would be most helpful for our country; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to permit states to promote long-term care insurance under Medicaid; and be it further

Resolved, That copies of this resolution be transmitted to 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 Health Policy.

The motion prevailed.

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

House Concurrent Resolution No. 40.

A concurrent resolution honoring the delegates and staff of the 1961-1962 Michigan Constitutional Convention upon the occasion of the 40th anniversary of its commencement.

Whereas, It is with deep appreciation of the significance of this milestone that we commend the delegates and staff members of the 1961-1962 Michigan Constitutional Convention as we mark the 40th anniversary of their monumental effort. We are proud to recognize the essential role this enterprise played in contributing to the sound governance of the state of Michigan; and

Whereas, We recognize the Michigan Constitutional Convention delegates' and staff members' deep dedication to public service, embodied in their donation of 136 days to the creation of a new constitution, rejection of purely local and particular interests, stand for public accountability and efficiency for those in power, and their dedication to the protection of the rights of the individual; and

Whereas, Since its adoption by the citizens of Michigan, the Constitution has been a vital element in helping Michigan grow and adapt to political, economic, and cultural challenges and opportunities. The success of our state

through 40 years of prosperity and adversity, of challenge, and opportunities, has been greatly aided by the dedication and integrity of the participants of the 1961-1962 Michigan Constitutional Convention; and

Whereas, This document of foundational law has been amended only 22 times since its inception despite four decades of change to the national and state political landscape. This aspect further affirms the vision and thoughtfulness the writers contributed to their endeavor; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor the delegates and staff upon the occasion of the 40th anniversary of the 1961-1962 Michigan Constitutional Convention's commencement. We salute its authors and staff on this happy occasion and convey to them our sincere appreciation; and be it further

Resolved, That a copy of this resolution be transmitted to the Constitutional Convention Reunion Committee as a token of our esteem.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution was adopted.

Senator Goschka was named co-sponsor of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Cherry's statement is as follows:

I rise to make a statement on Senate Bill No. 233, which earlier today had been read in under Messages from the Governor and referred to the committee from which it came.

Earlier today there had been some discussion in our caucus about trying to keep Senate Bill No. 233 on the floor for a potential veto override, but honestly, Mr. President, on an issue of this nature, we didn't want to be in the position of causing a partisan divide. Ultimately, myself and I know other members of my caucus—I would hope that members from the other side as well—find within Senate Bill No. 233 a very disappointing veto of local firefighting grants that go to over 50 communities in the state. At a time when we are all very concerned about emergency preparedness and the abilities of communities to respond to emergencies, it is hard to figure out what sense this veto makes.

In particular, Mr. President, we have seen some very heroic efforts by many emergency personnel in other parts of this nation. It would seem that a veto of this money is simply out of character, given the respect that these personnel have garnered through their heroism over the past several weeks.

Specifically, Mr. President, let me somehow try to convey to you the impact of this veto by simply looking at one community, East Lansing. East Lansing will lose more than \$925,000 as a result of the Governor's veto in this area. It was announced yesterday that this loss of revenue means layoffs of up to 20 firefighters in the East Lansing community and a possible closing of a fire station on the MSU campus.

Clearly, Mr. President, that diminishes the ability of one community to respond to any kind of emergency that they may face. That story is going to be repeated across the state. Over \$2 million are being vetoed from the city of Detroit for firefighting. It just strikes me that even though we surely have some severe budget problems, there will be a need to tighten our belts and look at where we might be able to trim some of our budgets. To do this at this time in the area of emergency response is shortsighted.

We chose not to fight on this issue through a veto override because it is important, Mr. President, not only nationally, but here at the state level. When dealing with questions of emergency response, it's important that there be some partisan unity and that we not seek opportunities for a partisan divide. It is with that spirit that we choose not to challenge the veto, but at the same time, we felt it was important and that it was incumbent upon us to point out how disappointing such an action by the Governor is.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Shugars, Cherry, Young, Bullard, Hammerstrom, Garcia, Steil, Johnson, Gougeon and Peters introduced **Senate Bill No. 679, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 7, and 7a (MCL 205.51, 205.57, and 205.57a), section 1 as amended by 2000 PA 390 and sections 7 and 7a as added by 1984 PA 32.

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

Senators Shugars, Cherry, Young, Bullard, Hammerstrom, Garcia, Steil, Johnson, Gougeon and Peters introduced
Senate Bill No. 680, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2000 PA 391, and by adding sections 12 and 12a.

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

Senators Hart, Peters, Young, Leland and Scott introduced

Senate Bill No. 681, entitled

A bill to require criminal background checks for property managers; and to provide for penalties.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Hammerstrom introduced

Senate Bill No. 682, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 17a (MCL 552.17a), as amended by 1990 PA 243.

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

Senator Hammerstrom introduced

Senate Bill No. 683, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 1, 1a, and 5 (MCL 552.451, 552.451a, and 552.455), sections 1 and 1a as amended by 1990 PA 237 and section 5 as amended by 1996 PA 5.

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

Senator Hammerstrom introduced

Senate Bill No. 684, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 2 (MCL 722.22), as amended by 1999 PA 156.

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

Senator McCotter introduced

Senate Bill No. 685, entitled

A bill to name a certain portion of highway I-94 the "94th Combat Infantry Division Memorial Highway"; and to prescribe certain duties of the state transportation department.

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

Senator McCotter introduced

Senate Bill No. 686, entitled

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending section 1 (MCL 331.531), as amended by 1998 PA 59.

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

House Bill No. 4820, entitled

A bill to regulate the production, transportation, handling, processing, delivery, and sale of grade A milk and milk products; to define grade A milk and milk products and to establish standards and requirements for grade A milk and milk products; to provide for dairy food safety; to provide for the sampling, sampling analysis, and transportation of milk and milk products; to regulate the labeling, manufacture, distribution, and sale of milk and milk products for the protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration,

manufacture, distribution, and sale of milk and milk products; to provide for enforcement; to provide for licenses and permits and revocation of licenses and permits; to impose certain fees; to require certain security arrangements of milk plants to ensure the prompt payment of producers; to prescribe powers and duties of certain state departments and officers; to provide for uniform standards and uniform inspection; to provide for promulgation of rules; to provide for certain remedies and penalties; and to repeal acts and parts of acts.

The 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. 4829, entitled

A bill to define and regulate milk, cream, frozen desserts, and related foods and by-products of those foods under certain circumstances; to prescribe certain powers and duties of certain state agencies and officers; to prohibit the sale of unclean and unsanitary milk and manufactured dairy products and their use in the manufacture of food products; to prohibit unclean and unsanitary conditions of milk and milk processing establishments; to establish production and handling standards of sanitary milk and dairy products for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and dairy products for manufacturing purposes; to issue licenses and permits to certain persons and provide for the revocation or suspension of licenses and permits under certain circumstances; to impose certain fees; to require certain security devices under certain circumstances; to establish inspection requirements; to promulgate rules; to set certain standards for milk and dairy products, processing, and pasteurization; to provide for penalties and remedies; 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. 5036, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 24, 30c, and 31 (MCL 205.24, 205.30c, and 205.31), sections 24 and 31 as amended by 1993 PA 14 and section 30c as amended by 1998 PA 493.

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. 5080, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; to prescribe certain powers and duties of state departments; 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 Finance.

Committee Reports

The Committee on Transportation and Tourism reported

Senate Bill No. 563, 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," (MCL 247.651 to 247.675) by adding section 1i.

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, Steil, 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. 4627, entitled

A bill to define the rights and responsibilities of hotels and bed and breakfasts with respect to renting or leasing hotel or bed and breakfast rooms to minors.

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, Steil, North, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 4734, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 31 (MCL 474.131), as amended by 1996 PA 420.

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, Steil, North, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 4878, entitled

A bill to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.

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, Steil, 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. 4879, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 33 (MCL 257.1833).

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, Steil, North, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 576, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2000 PA 200.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, September 25, 2001, at 1:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

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

The Committee on Judiciary reported

Senate Bill No. 502, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," (MCL 259.1 to 259.208) by adding section 80f.

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported
Senate Bill No. 505, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 12 of chapter XVII (MCL 777.1 and 777.12), section 1 of chapter XVII as amended by 2000 PA 279 and section 12 of chapter XVII as amended by 2000 PA 459.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, September 26, 2001, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Scott

The Committee on Appropriations reported

House Bill No. 4791, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," (MCL 474.51 to 474.70) by amending the title, as amended by 1984 PA 210, and by adding section 17a.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Wednesday, September 26, 2001, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Excused: Senators Hoffman and Murphy

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

House Bill No. 4735, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," by amending sections 1, 2, 3, 5, and 7 (MCL 125.981, 125.982, 125.983, 125.985, and 125.987), sections 1, 2, 3, and 5 as amended by 1999 PA 49 and section 7 as added by 1992 PA 146.

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 Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Leland and Peters

Nays: Senator McCotter

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

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

House Bill No. 4736, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," (MCL 125.981 to 125.987) by adding chapter 2.

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 Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Leland and Peters

Nays: Senator McCotter

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, September 25, 2001, at 1:13 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter, Leland and Peters

Excused: Senator Steil

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 4018, entitled

A bill to repeal 1947 LA 9, entitled "The act to prevent hunting, on Sunday, for game animals and game birds in the county of Macomb."

With the recommendation that the bill pass.

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

Philip E. Hoffman
Chairperson

To Report Out:

Yeas: Senators Hoffman, Gast, Koivisto and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:

Meeting held on Wednesday, September 26, 2001, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Hoffman (C), Gast, Koivisto and Cherry

Excused: Senator Bullard

The Committee on Farming, Agribusiness and Food Systems reported

Senate Bill No. 509, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4 and 4d (MCL 205.94 and 205.94d), section 4 as amended by 2000 PA 200 and section 4d as amended by 2000 PA 328.

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

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

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported

Senate Bill No. 510, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4a and 4g (MCL 205.54a and 205.54g), section 4a as amended by 1999 PA 116 and section 4g as amended by 2000 PA 417.

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.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported

House Bill No. 4513, entitled

A bill to repeal 1913 PA 184, entitled "An act to regulate the business of selling farm products on commission, providing all commission merchants dealing in farm products shall be licensed, to provide against and punish fraud and deception in the sale of farm products on commission, and defining the duties of the state dairy and food commissioner relative thereto," (MCL 445.331 to 445.341).

With the recommendation that the bill pass.

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

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, September 26, 2001, at 1:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon and Byrum

Excused: Senator Hart

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, September 25, 2001, at 3:00 p.m., Room 810, Farnum Building

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

Excused: Senator Emerson

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Governing Board submits the following:

Meeting held on Wednesday, September 26, 2001, at 3:00 p.m., Room S-324, Capitol Building

Present: Senators Gast (C), Schwarz, DeGrow, Cherry and Smith

Scheduled Meetings**Appropriations -****Subcommittee -**

State Police and Military Affairs - Wednesday, October 3, 2:00 p.m., Room 210, Farnum Building (373-2426)

Detroit Metro Airport Review - Thursday, October 4, 1:00 p.m., Room 810, Farnum Building (373-1801)

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

Families, Mental Health and Human Services - Wednesday, October 3, 3:00 p.m., Room 100, Farnum Building (373-3543)

Government Operations - Thursdays, October 4 and 11, 1:00 p.m. or later immediately following session, Senate Hearing Room, Ground Floor, Michigan National Tower (373-1707)

Great Lakes Conservation Task Force - Monday, October 8, 6:00 p.m., Roseville Public Library, Erin Auditorium, 29777 Gratiot, Roseville; Thursday, October 18, 6:00 p.m., Northern Michigan University, Don H. Bollum University Center, Ontario Room, 2nd Floor, 1401 Presque Isle Avenue, Marquette; Tuesday, October 30, 6:00 p.m., City of Port Huron Municipal Office Center, 100 McMorran Boulevard, Port Huron; Monday, November 5, 6:00 p.m., St. Joseph Public Library, 500 Market, St. Joseph; Monday, November 26, 6:00 p.m., Saginaw Valley State University, Curtis Center, 2250 Pierce Road, University Center (373-0797)

Judiciary - Wednesday, October 3, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Legislative Retirement Board of Trustees - Wednesday, October 3, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:23 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, October 3, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

