

No. 83
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, November 28, 2001.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—excused
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—excused
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—excused
North—present
Peters—present

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

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

Lord, we thank You, first of all, for the beginning of this day. We thank You for the opportunity You have given us to serve our constituents and the entire state. As we deliberate in these chambers this morning and in the committee halls and meeting rooms later in the day, help us to be mindful not only of the needs of our own districts, but the needs of the entire state. This and more we ask in Your name. Amen.

Motions and Communications

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

Senator Hammerstrom moved that Senators Bennett, DeGrow, Dunaskiss and Goschka be temporarily excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that Senator Emmons be excused from today's session.
The motion prevailed.

Senators Smith, Dunaskiss, Goschka and Sanborn entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 27:
House Bill Nos. 4639 4901 4902 4904 4905 4906

The Secretary announced the printing and placement in the members' files on Tuesday, November 27, of:
Senate Bill Nos. 826 827 828

Messages from the Governor

The following messages from the Governor were received:

Date: November 6, 2001
Time: 3:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 469 (Public Act No. 159), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 303, 307, 319, 322, 323, 324, 617, and 904d (MCL 257.303, 257.307, 257.319, 257.322, 257.323, 257.324, 257.617, and 257.904d), sections 303 and 319 as amended by 2001 PA 103, section 307 as amended by 1999 PA 118, section 322 as amended by 1998 PA 340, section 323 as amended by 1999 PA 73, section 324 as amended by 1985 PA 79, section 617 as amended by 1989 PA 267, and section 904d as amended by 2000 PA 460.

(Filed with the Secretary of State on November 6, 2001, at 4:29 p.m.)

Date: November 6, 2001
Time: 3:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 470 (Public Act No. 160), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the

provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

(Filed with the Secretary of State on November 6, 2001, at 4:31 p.m.)

Date: November 6, 2001

Time: 4:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 671 (Public Act No. 161), being

An act to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112, and by adding section 397.

(Filed with the Secretary of State on November 6, 2001, at 4:55 p.m.)

Date: November 26, 2001

Time: 9:35 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 498 (Public Act No. 166), 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 16m of chapter XVII (MCL 777.16m), as amended by 2000 PA 279. (Filed with the Secretary of State on November 26, 2001, at 4:38 p.m.)

Respectfully,
John Engler
Governor

Messages from the House

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

Senate Bill No. 494

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Leland as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 477, entitled

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

Substitute (S-2).

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

1. Amend page 3, line 25, after “OF” by striking out “CHARGES FOR”.
2. Amend page 4, line 1, after “NONTAXABLE” by striking out “SERVICE” and inserting “SERVICES”.

The Senate agreed to the substitute, as amended, 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. 5091, entitled

A bill to allow state agencies and units of local government to place the national motto in public buildings in this state.

Substitute (S-4).

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

1. Amend page 2, line 5, after “in” by inserting “or on”.
2. Amend page 2, line 6, after “buildings” by inserting “or land”.

The Senate agreed to the substitute, as amended, 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. 5341, entitled

A bill to commission and confer certain police and arrest powers on certain sergeants at arms and assistant sergeants at arms in the legislative branch; to prescribe certain duties and responsibilities of certain state employees; and to repeal acts and parts of acts.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 10, after “members” by inserting “or staff”.

The Senate agreed to the substitute, as amended, 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. 5342, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 1998 PA 237.

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.

During the Committee of the Whole, Senator Scott entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

House Bill No. 4639, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter XVII (MCL 777.15), as amended by 2001 PA 152.

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

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

House Bill No. 4901, entitled

A bill to amend 1939 PA 342, entitled "County public improvement act of 1939," (MCL 46.171 to 46.188) by adding section 5d.

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. 4902, entitled

A bill to amend 1949 PA 208, entitled "An act to authorize cities, villages and townships of this state to designate neighborhood areas for the purpose of planning and carrying out local public improvements for the prevention of blight within such areas; to authorize assistance in carrying out plans for local improvements by the acquisition and disposal of real property in such areas; to provide for the combining of neighborhood improvements that benefit the entire neighborhood into 1 improvement project; to provide for the establishment of local assessment districts coterminous with the neighborhood boundaries; to prescribe the methods of financing the exercise of these powers, and to declare the effect of this act," (MCL 125.941 to 125.952) by adding section 6d.

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. 4904, entitled

A bill to amend 1895 PA 215, entitled "The fourth class city act," (MCL 81.1 to 113.20) by adding section 19a to chapter 30.

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. 4905, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by adding section 122b.

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. 4906, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 629a and 1351c.

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.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:36 a.m.

11:11 a.m.

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

Senator DeGrow entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 674

Senate Bill No. 356

Senate Bill No. 535

Senate Bill No. 794

Senate Bill No. 534

Senate Bill No. 541

Senate Bill No. 615

Senate Bill No. 685

Senate Bill No. 705

Senate Bill No. 811

Senate Bill No. 812

Senate Bill No. 813

House Bill No. 5013

House Bill No. 4617

House Bill No. 4619

House Bill No. 4448

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 674, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 221.

The question being on the passage of the bill,

Senator Bullard offered the following amendments:

1. Amend page 4, line 6, after "WITHIN" by striking out "30" and inserting "14".

2. Amend page 4, line 19, after "WITHIN" by striking out "45" and inserting "30".

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

Senator Bullard offered the following amendment:

1. Amend page 2, line 9, after "PERSON" by striking out the balance of the line through "PERSONS" on line 10.

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

The question being on the passage of the bill,

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

Roll Call No. 494**Yeas—22**

Bennett
Bullard
DeGrow
Dunaskiss
Garcia
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—12

Cherry
DeBeaussiaert
Dingell

Emerson
Hart
Koivisto

Leland
Miller
Peters

Scott
Smith
Young

Excused—4

Byrum

Emmons

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Miller, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 674 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Miller’s statement is as follows:

I rise to oppose this legislation, and I think that it’s a very, very complex bill. It’s a bill that consumers want to know and have a right to know if an insurance company has some fraudulent practices. This bill is simply designed to protect the insurance industry when their own internal investigation has exposed fraudulent business practices. Mr. President, the insurance commissioner remains neutral on this legislation. When this bill was first discussed in committee, the insurance commissioner opposed the bill. Accountability, not secrecy, fosters good business practices. The Attorney General of the state of Michigan opposes the bill, and like I said, the insurance commissioner originally opposed the bill but now has the neutral position. I just want to bring that to the floor of the Senate to let you know where the leaders and protectors of Michigan’s consumers are on this legislation. It’s an important bill, and it’s a bill that we need in order to protect consumers and give them the right to not self-evaluate their insurance companies.

The following bill was read a third time:

Senate Bill No. 356, entitled

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 41.801), as amended by 1998 PA 545.

The question being on the passage of the bill,

Senator DeBeaussiaert offered the following amendment:

1. Amend page 5, line 17, after “TOWNSHIP” by striking out the balance of the sentence and inserting “HAS A JULY PROPERTY TAX LEVY AND THE ASSESSMENT IS LESS THAN OR EQUAL TO 2 MILLS, THE ASSESSMENT MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS THE JULY LEVY.

IF A TOWNSHIP HAS A JULY PROPERTY TAX LEVY AND THE ASSESSMENT IS GREATER THAN 2 MILLS, THE ASSESSMENT MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS THE JULY LEVY ONLY IF APPROVED BY THE ELECTORS OF THE TOWNSHIP.”.

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

The question being on the passage of the bill,

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

Roll Call No. 495**Yeas—34**

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

Nays—0**Excused—4**

Byrum	Emmons	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 535, entitled

A bill to amend 1927 PA 10, entitled “An act to authorize cemetery corporations to sell or convey property rights, franchises and liabilities to a municipal corporation,” by amending the title and sections 1, 2, 3, and 4 (MCL 456.181, 456.182, 456.183, and 456.184).

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. 496**Yeas—34**

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hart	Peters	Steil
Dingell	Hoffman	Sanborn	Stille
Dunaskiss	Johnson	Schuette	Van Regenmorter

Emerson
GarciaKoivisto
Leland

Schwarz

Young

Nays—0**Excused—4**

Byrum

Emmons

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2882 (MCL 333.2882), as amended by 1997 PA 54.

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. 497**Yeas—34**Bennett
Bullard
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
GarciaGast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
LelandMcCotter
McManus
Miller
North
Peters
Sanborn
Schuette
SchwarzScott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young**Nays—0****Excused—4**

Byrum

Emmons

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 534, entitled

A bill to amend 1968 PA 251, entitled “Cemetery regulation act,” by amending section 9 (MCL 456.529), as amended by 1982 PA 132.

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. 498

Yeas—34

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

Nays—0

Excused—4

Byrum	Emmons	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 541, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 51, 83, 86, 87, 89, 133, 151, and 205 (MCL 259.2, 259.3, 259.4, 259.5, 259.6, 259.7, 259.8, 259.9, 259.51, 259.83, 259.86, 259.87, 259.89, 259.133, 259.151, and 259.205), sections 2, 3, 4, 5, 6, 7, 8, 51, 83, 86, and 133 as amended by 1996 PA 370, sections 9 and 151 as amended by 2000 PA 382, and section 89 as amended by 1998 PA 81, and by adding sections 80g, 80h, 83a, 83b, 87a, 89a, 205a, and 205b; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 499

Yeas—34

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

Nays—0**Excused—4**

Byrum

Emmons

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 615, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.1100) by adding section 68.

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. 500**Yeas—34**

Bennett

Gast

McCotter

Scott

Bullard

Goschka

McManus

Shugars

Cherry

Gougeon

Miller

Sikkema

DeBeaussaert

Hammerstrom

North

Smith

DeGrow

Hart

Peters

Steil

Dingell

Hoffman

Sanborn

Stille

Dunaskiss

Johnson

Schuette

Van Regenmorter

Emerson

Koivisto

Schwarz

Young

Garcia

Leland

Nays—0**Excused—4**

Byrum

Emmons

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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 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. 501

Yeas—34

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

Nays—0

Excused—4

Byrum	Emmons	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 705, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.1100) by adding section 75.

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. 502

Yeas—34

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

Nays—0

Excused—4

Byrum

Emmons

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 811, entitled

A bill to amend 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,” by amending section 2 (MCL 252.52), as amended by 2001 PA 47.

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. 503

Yeas—33

Bennett
Bullard
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Leland

McCotter
McManus
Miller
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—4

Byrum

Emmons

Murphy

Vaughn

Not Voting—1

Koivisto

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senator Koivisto entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 812, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 1994 PA 306, and by adding section 1a.

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. 504

Yeas—34

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

Nays—0

Excused—4

Byrum	Emmons	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 813, entitled

A bill to amend 1925 PA 17, entitled "An act to provide for the construction, improvement and maintenance of trunk line highways," by amending section 2 (MCL 250.62), as amended by 1987 PA 188.

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. 505

Yeas—23

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema

DeGrow
Dingell
Dunaskiss
Garcia

Gougeon
Hammerstrom
Hoffman
Johnson

North
Sanborn
Schuette
Schwarz

Steil
Stille
Van Regenmorter

Nays—11

Cherry
DeBeaussaert
Emerson

Hart
Koivisto
Leland

Miller
Peters
Scott

Smith
Young

Excused—4

Byrum

Emmons

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5013, entitled

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

The 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. 506**Yeas—34**

Bennett
Bullard
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—4**

Byrum

Emmons

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4617, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1285a (MCL 380.1285a), as added by 1996 PA 285.

The question being on the passage of the bill,

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

Roll Call No. 507**Yeas—0****Nays—34**

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

Excused—4

Byrum	Emmons	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Hammerstrom moved to reconsider the vote by which the bill was defeated.

The question being on the motion to reconsider,

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

The motion prevailed.

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

The following bill was read a third time:

House Bill No. 4619, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

The question being on the passage of the bill,

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

Roll Call No. 508

Yeas—0

Nays—33

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

Excused—5

Byrum	Murphy	Smith	Vaughn
Emmons			

Not Voting—0

In The Chair: Schwarz

Senator Hammerstrom moved to reconsider the vote by which the bill was defeated.

The question being on the motion to reconsider,

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

The motion prevailed.

Protest

Senator Gougeon, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 4617 and 4619.

Senator Gougeon's statement is as follows:

I voted "no" on this bill and the previous bill because the intent of the bills, while being good in providing before- and after-school programs, effectively eliminated responsibility for CIS to regulate and shifted that responsibility over to an outside organization. I believe that these bills could be saved if that responsibility fell to the school board itself. Unfortunately, these bills don't require accountability by the school board for after-school programs, and therefore, I voted "no."

Senator Smith entered the Senate Chamber.

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

The following bill was read a third time:

House Bill No. 4448, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6013 (MCL 600.6013), as amended by 1993 PA 78.

The question being on the passage of the bill,
Senator Peters offered the following substitute:
Substitute (S-2).

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

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 509

Yeas—12

Cherry
DeBeaussiaert
Dingell

Emerson
Goschka
Hart

Koivisto
Leland
Miller

Peters
Smith
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Garcia
Gast

Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—5

Byrum
Emmons

Murphy

Scott

Vaughn

Not Voting—0

In The Chair: Schwarz

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. 510

Yeas—21

Bennett
Bullard

Gougeon
Hammerstrom

McManus
North

Shugars
Sikkema

DeGrow
Dunaskiss
Garcia
Gast

Hoffman
Johnson
McCotter

Sanborn
Schuette
Schwarz

Steil
Stille
Van Regenmorter

Nays—12

Cherry
DeBeaussiaert
Dingell

Emerson
Goschka
Hart

Koivisto
Leland
Miller

Peters
Smith
Young

Excused—5

Byrum
Emmons

Murphy

Scott

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senator Scott entered the Senate Chamber.

Protests

Senators Dingell, Peters and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4448.

Senators Dingell and Peters moved that the statements they made during the discussion of the substitute offered by Senator Peters be printed as their reasons for voting “no.”

The motion prevailed.

Senator Dingell’s statement is as follows:

I was there in the Judiciary Committee, and I heard only the insurance companies express concern about them having to pay a greater interest rate when they welched on a contract. I heard the insurance companies claim that they never welched on contracts, and if they did, the insurance commissioner would step in and pull their license. I thought to myself, “Hogwash!” I have hopes for the current insurance commissioner, but I can tell you previous insurance commissioners were not watchdogs; they were lap dogs.

A couple years ago, I had a city in the district I represent that had a problem with an insurance company. They had insured a swimming pool—a very large one. The insurance company ignored the notice of loss that the city sent to the insurance company. Now it is Blackletter insurance law that when an insurance company is notified that there’s a notice of loss, they have to say, “Yes, we’ll pay, or no, we won’t pay.” They ignored it.

So after two months, the city complained to their insurance agent, and their insurance agent went to the insurance company and said, “How about it?” The insurance company ignored him too. So after a period of several weeks, the insurance agent then went to the insurance commissioner. Still no response. Still no response. Now that insurance

commissioner at that time, a guy by the name of Olson, should have drop-kicked that insurance company out of their socks. He did nothing.

So after a further period of two weeks, the insurance agent came to me and complained about it. So I, in my typical fashion, wrote a hot letter to the insurance commissioner saying, "What the hell are you going to do about this?" I got no response for two weeks. The only response I got after two weeks was a leisurely note from the insurance commissioner to the insurance company asking what the status was on this matter.

Now that city lost their ability to use that swimming pool for an entire summer. Now if there's anybody who's going to have the ability to sue a wrong-doing insurance company, it's going to be something like a large city, such as the city of Taylor. If insurance companies are arrogant enough to ignore even cities like Taylor, they sure are going to have the arrogance to ignore John Q. Average. What these people do is just plain wrong. What we need to protect our constituents from is the kind of language which is right there in the *Yaldo* decision.

I very much support the Peters substitute. I recommend to my colleagues that they vote for it. Let's keep insurance companies honest because the insurance commissioner sure doesn't.

Senator Peters' first statement, in which Senator Scott concurred, is as follows:

The bill before us is really a major change in some existing law. The substitute deals with that change of the bill before us. It's a change in existing law and makes a significant shift to the anti-consumer. Certainly, the bill before us right now is the hard work of the insurance lobby to move in an anti-consumer fashion.

This substitute attempts to put what I think is the good intent of the Legislature initially in crafting law, which is to promote settlements and reduce litigation when you're involved in insurance contracts and judgment interest rates on those insurance contracts.

This substitute before us is actually identical to a bill introduced by the Majority Floor Leader, Senator Emmons. I'm sorry that Senator Emmons is not here today. I did ask to wait until she could come back. Unfortunately, the majority party didn't want her to be here to discuss this, apparently.

I think it is an important issue and deals with putting into statute the case of *Yaldo v. Northpoint Insurance Company* in which the court said that there is clear and unambiguous belief that an insurance contract is, indeed, a written instrument and, therefore, is subject to the 12 percent judgment interest rate. The idea behind it is quite straightforward, and that is to, as I've said earlier, make it more financially attractive for insurance companies to quickly settle and not litigate claims where you may have a valid insurance claim, but the insurance company wants to challenge the validity of that claim, drag their feet in court, and put a consumer through a long and protracted process. The 12 percent interest rate helps to speed that process along and get that settlement into the hands of the policyholder where it actually belongs.

Now others on this issue may say that, well, you can always negotiate that judgment interest rate. I have yet to find a consumer who is going to be in a position to negotiate with an insurance company, an auto insurance, or other insurance company to talk about a judgment interest rate and negotiate. It's simply not going to occur.

The Supreme Court was wise in its decision; it was wise in its attempt to have a financial incentive to force settlement and try to avoid protracted litigation. This bill goes in the wrong direction, and this substitute corrects it, puts this in law, and clarifies the decision in *Yaldo*. I would urge support.

Senator Peters' second statement, in which Senator Scott concurred, is as follows:

I just wanted to comment on a couple of the options expressed by the other side of the aisle. One of the arguments is that this bill in some way protects small businesses that are also involved in these contracts. Let's make no mistake about it that the vast majority if not all of them or certainly close to all of these contracts are involved with insurance companies. These are not small businesses as someone claimed in a previous statement. You're dealing with large insurance companies and insurance policies impacting average consumers across the state of Michigan. That's what this bill deals with. That's why this bill is an anti-consumer bill.

The last speaker basically just quoted verbatim the dissenting opinion on the Supreme Court case. It is the dissenting opinion that the insurance companies jumped up and applauded and got their lobbyists all worked up to come in here to the Legislature to try to push this forward. It is not the majority opinion of the Supreme Court in the *Yaldo* decision. The Supreme Court believed that it is indeed important to have this interest rate. And it's clear that you are dealing with a written instrument in an insurance contract and that that 12 percent interest rate is important in order to get quick settlement of these claims and to avoid protracted litigation.

I think what's important to note in the *Yaldo* case is that case involved an insurance company that failed to pay a valid claim. They dragged their feet as long as possible and put that policyholder through an awful lot before they finally got a valid claim—a contract that they entered into. They paid their premiums on time and on a continuous basis, and when it came time for that insurance company to fulfill their part of the contract, they said, "Oh no, we're going to take you to court. We're going to drag this out as long as possible."

And we know insurance companies make their money by investing that money. The longer they can drag that out, the more profit they can get for the insurance company. And the poor policyholder who thought they had a good policy

when they were paying their premiums find out that they have to go through an awful lot in order to get the compensation that they were paying for. This 12 percent interest is a way to ensure that we have that incentive. Now the insurance companies, of course, want a lower rate. The new judgment rate is half of the 12 percent. Perhaps they won't complain if rates go up to 12 percent, but right now interest rates are so low they want to take advantage of those very low interest rates so they can continue to drag their feet as long as possible.

If you want to vote for the insurance companies at the expense of the consumers, you will support this bill, and you will vote against my amendment. But if you believe that we need consumer protections as a watchdog over the insurance industry and you believe that we need to limit protracted litigation and force quick settlement of valid claims in the insurance industry, you'll support my substitute.

Senator Scott stated that had she been present when the vote was taken on the adoption of the substitute offered by Senator Peters to the following bill, she would have voted "yea":

House Bill No. 4448

Senator Scott stated that had she been present when the vote was taken on the passage of the following bill, she would have voted "nay":

House Bill No. 4448

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

Senator Hammerstrom 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 Leland as Chairperson.

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

Senate Bill No. 692, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36105, 36106, 36109, 36111, and 36206 (MCL 324.36105, 324.36106, 324.36109, 324.36111, and 324.36206), sections 36105 and 36106 as amended by 1996 PA 233, section 36109 as amended by 2000 PA 421, and section 36111 as amended and section 36206 as added by 2000 PA 262.

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 358, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act," by amending section 1 (MCL 388.851) and by adding section 1b.

Substitute (S-2).

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

1. Amend page 2, line 17, after the first "by" by striking out the comma and "and the construction supervised by,".
2. Amend page 2, line 17, after "or" by inserting "PROFESSIONAL".
3. Amend page 2, line 18, after "is" by striking out "registered" and inserting "LICENSED".
4. Amend page 2, line 18, after "state." by inserting "AN ARCHITECT OR PROFESSIONAL ENGINEER LICENSED IN THIS STATE OR ANOTHER PERSON QUALIFIED TO SUPERVISE CONSTRUCTION SHALL SUPERVISE THE CONSTRUCTION OF A SCHOOL BUILDING.".
5. Amend page 4, line 25, after "SUBSECTION" by striking out "(6)" and inserting "(5)".
6. Amend page 5, line 3, after "SUBSECTION" by striking out "(6)" and inserting "(5)".

7. Amend page 5, line 13, by striking out all of subsection (3) and inserting:

“(3) THE DEPARTMENT SHALL DEVELOP A PLAN FOR CONDUCTING NO-COST, WALK-THROUGH SAFETY INSPECTIONS OF SCHOOL BUILDINGS CONSTRUCTED, REMODELED, OR RECONSTRUCTED IN THE STATE SINCE JANUARY 1, 1978. INSPECTIONS SHALL BE CONDUCTED BY STAFF OF THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES WITH THE PERMISSION OF THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE BUILDING IS LOCATED. IF THE SCHOOL BUILDING IS DETERMINED TO BE STRUCTURALLY COMPROMISED, THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES SHALL PROVIDE A DRAFT REPORT TO THE SUPERINTENDENT OF THE AFFECTED SCHOOL DISTRICT PRIOR TO THE RELEASE OF THE FINAL REPORT.”.

8. Amend page 5, line 24, after the second “THE” by striking out “INDIVIDUAL” and inserting “INDEPENDENT THIRD PARTY”.

9. Amend page 6, line 3, after the first “THE” by striking out “INDIVIDUAL” and inserting “INDEPENDENT THIRD PARTY”.

10. Amend page 6, line 4, after “INSPECTIONS” by inserting “OR IS NOT AN INDEPENDENT THIRD PARTY”.

11. Amend page 6, line 15, after “SUBSECTION” by striking out “(6)” and inserting “(5)”.

12. Amend page 6, line 16, after “SUBSECTION” by striking out “(6)” and inserting “(5)”.

The Senate agreed to the substitute, as amended, 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. 670, entitled

A bill to amend 1937 PA 306, entitled “An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act,” by amending section 2 (MCL 388.852).

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.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 819, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9101 (MCL 324.9101), as amended by 2000 PA 504.

With the recommendation that the bill pass.

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

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, November 27, 2001, at 1:30 p.m., Room 810, Farnum Building

Present: Senators Sikkema (C), Dunaskiss, Gast, Peters and Young

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

Community Health - Thursdays, November 29, December 6, and December 13; and Tuesdays, December 4 and December 11, 1:30 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

Economic Development, International Trade and Regulatory Affairs - Monday, December 3, 10:00 a.m., Detroit Regional Chamber of Commerce Offices, 1 Woodward Avenue, Suite 1900, Detroit (373-7946)

Government Operations - Thursday, November 29, 1:00 p.m., Room 110, Farnum Building (373-1707)

Legislative Retirement Board of Trustees - Wednesday, December 5, 12:00 noon, Room H-252, Capitol Building (373-0575)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:37 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, November 29, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

