

**No. 11**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

---

---

Senate Chamber, Lansing, Wednesday, February 13, 2002.

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 present.

Bennett—present  
Bullard—present  
Byrum—present  
Cherry—present  
DeBeaussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—excused  
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—excused  
Stille—present  
Van Regenmorter—present  
Vaughn—excused  
Young—present

Senator John J.H. Schwarz of the 24th District offered the following invocation:

Lord, as the Senate meets again to consider legislation critical to the progress of our state, we ask that You grant the patience to hear out the opinions of all sides, the wisdom to choose the pathway that best individually works for each of us, and the equanimity to accept with grace and poise the decision of the full Senate on each and every matter we must decide.

We ask this in Your name. Amen.

### **Motions and Communications**

Senator Hammerstrom moved that Senators Bullard, DeGrow and Schuette be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

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

The motion prevailed.

Senators Smith and Bullard entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 12:

**House Bill Nos. 4338 4990 5400 5497**

### **Messages from the Governor**

The following messages from the Governor were received and read:

February 12, 2002

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointments to office:

#### **State Child Abuse and Neglect Prevention Board**

Sheriff Michael J. Bouchard, Oakland County Sheriff Department, 1201 N. Telegraph Road, Pontiac, Michigan 48341-1044, county of Oakland, as a member representing persons familiar with abuse, succeeding Mrs. Carlota R. Beauprey of Baraga, whose term has expired, for a term expiring on December 19, 2004.

Rev. Ira Combs, Jr., 3146 McCain Road, Jackson, Michigan 49203, county of Jackson, as a member representing religious communities, succeeding himself, for a term expiring on December 19, 2004.

Ms. Pamela Posthumus, 7815 Alden Nash, Alto, Michigan 49302, county of Kent, as a member representing the general public, succeeding Ms. Gail Duncan of Rochester, whose term has expired, for a term expiring on December 19, 2003.

Mr. Stephen Thomas, Jr., 6160 Birch Row Drive, East Lansing, Michigan 48823, county of Ingham, as a member representing the private sector, succeeding himself, for a term expiring on December 19, 2003.

Dr. Christine M. Nelson, 213 Hampton S.E., Grand Rapids, Michigan 49506, county of Kent, as a member representing professional providers, succeeding herself, for a term expiring on December 19, 2004.

Ms. Yasmin J. Abdul-Karim, 35051 Stoneridge Court, Farmington Hills, Michigan 48331, county of Oakland, as a member representing the legal community, succeeding Ms. Candace L. Sorensen of Grand Rapids, whose term has expired, for a term expiring on December 19, 2003.

Ms. Elaine Ann Crawford, 5148 Commonwealth, Detroit, Michigan 48208, county of Wayne, as a member representing organized labor, succeeding Ms. Bertha L. Poe of Detroit, whose term has expired, for a term expiring on December 19, 2004.

Ms. Jenna L. W. Marr, 3842 Vann Atta Road, Okemos, Michigan 48864, county of Ingham, as a member representing parents, succeeding Ms. Pamela Posthumus of Alto, whose term has expired, for a term expiring on December 19, 2004.

February 12, 2002

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

**Michigan Municipal Bond Authority Board of Trustees**

Mr. Richard LeBaron, 4580 230th Avenue, Reed City, Michigan 49677, county of Osceola, as a member representing the Speaker of the House of Representatives, succeeding Mr. Thomas G. King of Portage, whose term has expired, for a term expiring on January 1, 2005.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

Senators Garcia, Cherry, DeGrow and Schuette entered the Senate Chamber.

### Messages from the House

**Senate Bill No. 493, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1242 (MCL 500.1242). The House of Representatives has substituted (H-1) the bill.

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

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

**Senate Bill No. 496, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 456 (MCL 500.456), as amended by 1989 PA 214.

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

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

### General Orders

Senator 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 Smith as Chairperson.

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

**House Bill No. 5412, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1227 (MCL 380.1227), as added by 1995 PA 289.

**House Bill No. 5413, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1351 (MCL 380.1351), as amended by 1997 PA 152.

**House Bill No. 5414, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1351a (MCL 380.1351a), as amended by 1997 PA 152.

**House Bill No. 5415, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1356 (MCL 380.1356), as amended by 1993 PA 312.

**House Bill No. 5416, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1362 (MCL 380.1362).

**House Bill No. 5417, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1363 (MCL 380.1363).

**House Bill No. 5418, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1731 (MCL 380.1731).

**House Bill No. 5419, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 1996 PA 300.

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

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:

**House Bill No. 5118**

**House Bill No. 4487**

**House Bill No. 4812**

**House Bill No. 5382**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5118, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 502, 32503, and 33938 (MCL 324.502, 324.32503, and 324.33938), section 502 as amended by 1998 PA 114 and sections 32503 and 33938 as added by 1995 PA 59, and by adding sections 501a and 61505a.

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. 85****Yeas—28**

Bennett	Emerson	Leland	Schwarz
Bullard	Goschka	McCotter	Scott
Byrum	Hammerstrom	Miller	Sikkema
Cherry	Hart	North	Smith
DeBeaussaert	Hoffman	Peters	Stille
DeGrow	Johnson	Sanborn	Van Regenmorter
Dingell	Koivisto	Schuette	Young

**Nays—5**

Garcia	Gougeon	McManus	Shugars
Gast			

**Excused—5**Dunaskiss  
Emmons

Murphy

Steil

Vaughn

**Not Voting—0**

In The Chair: Schwarz

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 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.

**Protests**

Senators McManus, Shugars and Garcia, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5118 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator McManus’ first statement, in which Senator Shugars concurred, is as follows:

I would like these remarks printed in the Journal so that my children and my grandchildren and my great-grandchildren can read the stand that I took on this particular issue and the reasons why today.

The first reason that I rise in opposition to this bill has to do with the Natural Resources Trust Fund, which is part of the Natural Resources Department budget that I happen to work on. This money that comes from oil and gas that’s owned by the state of Michigan, which is all the oil and gas that happens to be under the Great Lakes bottomlands, will go into the Natural Resources Trust Fund. The income on that has been estimated to be possibly as high as \$100 million. This money is used for preservation of farmland, for preservation of open space, sand dunes, wetlands, and so on.

I am from Traverse City, and for several years was on the rotary trust fund board for rotary charities in Traverse City, which back in the ‘30s bought land for a Boy Scout camp. On that land today, there are five oil wells pumping—only five. The trust fund of rotary has given away \$30 million to charity in our area—to hospitals, to the community college, to public schools, for environmental projects, and so on—and has \$38 million in the corpus heading for \$100 million. That’s on five wells. By the way, we still conduct the Boy Scout camp amongst the oil wells and are not all concerned about the hype, the hits, and the 30-second media sound bites. This is a serious loss to the Natural Resources Trust Fund of this state, money which could be put away and the interest and the earnings used for preservation projects.

Secondly, this bill today is an insult to intellectual integrity. Are we going to lead by sound science or by the way the reeds blow in the wind? Sound science indicates that there is no problem with directional drilling. It’s essentially gas; there’s not much oil we are talking about. It’s gas that we’re after under the Great Lakes bottomlands. Why do we insist on vilifying an industry, the oil and gas industry of this state. That’s the industry that provides the heat for our homes. You want to shut off your heat? That’s the industry that cooks your food. You want to eat it raw? That’s the industry that provides the gas for power plants to make electricity. You want to turn out the lights? That’s the industry that provides fuel for your automobile. In the case of gas, it has to all come from a gas well someplace.

Now I’ve stood on oil and gas well sites. I’ve seen the technology. I don’t know how many of you have taken the time to do that. But if you think a heart catheter down at the University of Michigan is technology, where you stick something in a vein and go up through the vein and get to the heart and take a picture of what’s going on, you ought to see oil and gas technology. They go down over 5,000 feet and make a turn and go laterally up to a half mile. Today their technology is superb, safe, and scientifically sound. Remember, that heart catheter only goes about four feet; they go a mile and a half.

Third, I oppose this because it's gut wrenching to see politicians make a decision based on public perception. Let's talk about that. I want to start with Galileo in the 1600s. Galileo, by scientific deduction, decided that the Earth revolved around the Sun. The Sun did not revolve around the Earth, which was the public perception at the time. All those Italian politicians sat around smoking their cigars and drinking their Chianti and decided that 90 percent of them said this guy doesn't know what he's talking about. So they called in the Inquisition, and the Inquisition declared Galileo a heretic that he would put forth this scientific dogma that the Earth revolved around the Sun, rather than the other way around. They declared him a heretic, and put him under house arrest for the rest of his life because he talked sound science. Now in the end, who was right? Fifty years after he died, they finally woke up and erected a monument in front of the church. About 400 years later, the church finally removed his definition as a heretic. That's public perception.

Let's take Columbus in 1492. Public perception: The Earth is flat. If you get in the boat and sail west, farther than we can see from the land, you're going to drop off. All the politicians in that day said, "By golly, public perception is the Earth is flat"—except Columbus. He decided to give it a try. Found out that public perception, they really didn't know what they were talking about.

Let's take the women's right to vote. That's a good one. In 1776, the great forefathers of our country said, "All men are created equal." That didn't include women. Women didn't have the right to vote in this country until about 1920. It took 150 years for public perception or public opinion to come around to giving women the right to vote.

It's already been mentioned, but let's talk about slavery in the South. In the South, from about the 1600s until Abraham Lincoln come along in the 1860s, slavery was, under public perception and public opinion, the right thing to do. We fought a civil war over the issue. Hundreds of thousands got killed, finally making the point that it wasn't all right to do. But public perception from 1620 until 1860 thought it was the right thing to do.

So when you start making decisions based on sticking your finger up to the wind and determining what public perception is, we don't really need the Legislature. We'll just hook everybody up to a computer and the media can put out their 30-second sound bites and we will vote on the issue.

Now it's interesting to me that the author of this bill comes from Sault Ste. Marie. There isn't any gas and oil under the Upper Peninsula, Lake Superior, upper Lake Michigan, or upper Lake Huron. It's interesting to author a bill from the bunker where you're not concerned. Now how will that U.P. legislator feel when public perception and opinion decides we can't cut down any more timber, we can't have any more iron mines because we don't like the look of the landscape, and we can no longer shoot Bambi? Where are we going to be then?

I want to, again, raise my voice in opposition, and say that if you do it here, who's going to be next? Are you going to ban farmers who produce the food because you don't like the fact—I'm not talking about you; I'm talking about the public. I realize that as political perception is reality, and we have to do what we have to do. This is fair warning. When they're done with the oil industry, I would say farmers will be next. Then loggers will be next, who provide the timber to build your houses with. Then the automobile people are going to be next because they pollute the atmosphere and so on and so forth. As Senators, I think you need to think carefully over this issue. Do you want to lead by sound science, or do you want to vote public opinion? If you vote public opinion, we might as well do that by computer.

Senator McManus' second statement, in which Senator Shugars concurred, is as follows:

I just wanted to make a little point of clarification here to keep the debate on track.

My good buddy, the Senator from the 14th District, indicated that the trust fund was a few dollars and bought a few acres, and I kind of wanted to see what the definition of the word "few" was. People define words, you know, differently.

I find that Oakland County has received \$45,592,000 from the trust fund. The good Senator's district has received \$4 million from the trust fund. I know property in Oakland County is expensive, but I hope for \$45 million, it got more than a few acres.

Senator Shugars' statement is as follows:

I rise against House Bill No. 5118 to ban directional drilling for oil and gas under the Great Lakes, based on environmental, scientific, economic, and philosophical reasons.

Drilling at an angle from on shore to tap resources of gas and oil under the Great Lakes, is environmentally sound, encourages greater American independence from foreign oil, and reduces the traffic of oil tankers on the Great Lakes. As we all know, Ontario has safely drilled over 2,200 natural gas wells under Lake Erie since 1913 without an environmental incident—2,200 natural gas wells under Lake Erie since 1913 without an environmental incident!

We seem to have focused on phantom environmental threats to our Great Lakes. More than 3,800 directional well bores have been drilled in Michigan without an incident, including 13 wells beneath the Great Lakes. The only risk identified with directional drilling cited by the Michigan Environmental Science Board was contamination at the wellhead, far from the water's edge. Our efforts should have been focused on a better process, and yes, explored further safeguards at the wellhead. But instead, for political motives, we condemn the whole directional drilling process, which has been proven safe.

Leaks from oil tankers pose a greater risk to the Great Lakes and our shoreline than directional drilling does. In 1999, five million tons of oil and oil-based products moved across the Great Lakes. This also includes boat fueling activities such as offshore refueling and marina-based fill-ups. If we ever suffer a tanker incident even remotely like the Exxon Valdez, let supporters of this ban explain how it's better than directional drilling.

Senator Garcia's statement is as follows:

I rise to oppose House Bill No. 5118. As someone who has lived in Michigan most of my life, I, too, am interested in protecting the Great Lakes. I don't think this should be a partisan issue. As Republicans, Democrats, Independents, or whatever party we belong to, it is something that is a precious resource, and we should protect it. However, this being an election year, I think that politics has gotten into the debate. We've seen the science, and the science says it's okay to do this. Unfortunately, not everyone has all the facts, and as a result, the public has been led to believe that it is unsafe when actually the opposite is true. And while the scientific report did say that they could not guarantee that there wouldn't be any problems in the future, there are no guarantees in life except death and taxes, and we're trying to reduce taxes.

We have come to a point where we are once again trying to shape policy based on politics. I don't believe that's the way we ought to do it. If we were to tackle this issue, we should do it out of the spotlight of an election year where we can sit down. I appreciate the fact that we had a task force that put together some good work. I don't necessarily agree with all of their recommendations. I could support a moratorium, but unfortunately, that's not before us. When I'm faced with a choice of whether to ban or not to ban, this time I'm going to have to oppose the ban because the science says it's okay to do it, I'm afraid politics has gotten into it, and we shouldn't have had politics mixed up into this issue. So, therefore, I will be opposing House Bill No. 5118.

Senators Gougeon, McCotter, Young, Hart, Peters, Smith and Sikkema asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gougeon's statement is as follows:

I would agree with one thing the previous speaker said: It is an historic day. It's also a sad day for the Michigan oil and gas industry in this state. Mr. President, I rise to oppose this bill. There have been those who have argued that we ought to have a ban because directional drilling will spoil beaches and put at risk the ecosystems along our precious Great Lakes. They've also argued that there are only limited reserves, so why take the risk? Let's go ahead and ban it. They've argued that banning directional drilling will prevent another Nordhouse Dunes. So to prevent the loss of money by repeating Nordhouse Dunes, we ought to ban it. They've argued that we should ban directional drilling because the DNR and DEQ do not comply with all the 17 recommendations of the Governor's Environmental Science Board, so we should ban it. They've argued that 70 percent of the people are opposed, as well as all five candidates for Governor, so therefore, we should ban it.

Mr. President and colleagues, I want to take each of these issues on frontally because there are distortions in each of them, and they're simply not true. Let's talk on the first one. Directional drilling will spoil the ecosystems around and put at risk the beaches. There's been a number of articles written, in particular by those who were in a position to know. One, in particular, I want bring to your attention is from Mr. Harrison who wrote a letter to good Senator Sikkema. He was a member of the Michigan Environmental Science Review Board panel. They concluded in that panel that there was no risk or very negligible risk. The panel was emphatic and unanimous in its conclusion that there is little to no risk of contamination to the Great Lakes bottom or water through releases directly above the bottom hole portion of the well. In fact, thousands of wells of this type are drilled every year, and tens of thousands have been drilled since the technology was invented more than 50 years ago. In fact, the main purpose for directional drilling of wells in many locations is exactly to prevent problems in the sensitive surface environmental locations. The safety record for directional drilling wells is actually better than vertical wells. This gentleman was a member of that panel.

The panel concluded that it is possible to have directionally drilled wells in some areas along the coastal areas, providing certain technologies were applied and that permit requirements ensure reasonable protection to the environment. I am confident that the new regulations developed by the DNR and DEQ will satisfy the panel's concerns here. At no time did the panel feel that a total ban on drilling, as suggested by some, was a reasonable alternative and was certainly not in the spirit of compromise or intended. And he concludes as follows, which is telling, I think: "I realize that this issue has a lot of political ramifications, but being among the leadership of this wonderful state also demands responsibility to the truth, not to the distortions that are concocted to suit individual agendas."

So the fact of the matter is that it's just not my opinion; it's the opinion of a gentleman who is a professor and director of the Michigan Base and Core Research Laboratory who is suggesting to us that we ought to look at the science of this rather than the hysteria and emotions.

Mr. President, last night as I was thinking about directional drilling, they had a piece on the local television, and they were talking about how the Senate is about to take up this ban. What you saw on the background was a picture of the

Great Lakes, and the suggestion was that the Senate is about to ban some risky activity that will drill right into the Great Lakes when, in fact, nothing can be further from the truth. Directional drilling is more than a quarter of a mile from the beaches off the Great Lakes. Every foot they drill is a foot farther from the Great Lakes, not closer. The science has proved itself over time. This state has drilled more than 13 wells, but Canada has been drilling wells since 1913. Thousands of directional drilling wells have occurred, and they've stood the test of time.

If, in fact, I would submit to you directional drilling had the potential to cause ecosystem disasters, where's is the smoking gun? For the past 30 years, enterprising reporters have had an opportunity to turn their camera on some floating oil and say this is what will happen unless you ban directional drilling. But they haven't done it. Why? Because we haven't spilled any oil. Well, what we have on our beaches, and if you want to go out to Metro Beach and see it, is not muck caused from oil; it's muck caused from discharge from sewage systems. Why don't we ban that? If you go up to the Saginaw Bay and look upon the shoreline, do you see any oil coming over from Canada? No. An enterprising reporter can't even turn his camera on there and say this is what will happen if you allow directional drilling because it's all muck and discharges from sewer systems. We should ban that.

He said there are only limited reserves, so why take the risk? Well, we don't know what the reserves are. Canada would love for us to ban it. Ontario province has written to us and said they aren't going to ban it. They would love to have all that oil because they ship it back to us at 20,000 barrels an hour in two 24-inch diameter pipes coming right across the Straits. They ship it to us. They've been in the business since 1913, and they haven't spilled any oil. Their beaches are pristine and clean. But we should ban it here, and then we can buy it from them or Muammer Khadafi. We don't know what the reserves are because we can't find it under the Great Lakes as we can on land, and that's how we determine what reserves are. So technology for determining the reserves under the Great Lakes simply doesn't exist.

Banning additional drilling will prevent another Nordhouse Dunes. Well, I want to refer you to another letter that was prepared by Mika, Meyers, Beckett & Jones, PLC. In that letter they said, "Michigan case law has expressly upheld the state's authority to deny a drilling permit as to lands covered by a state lease against the constitutional challenge based on the takings clause. The current form of oil and gas lease used by the MDNR contains a provision expressly stating that the granting of the lease is not an authorization to drill and that the issuance of a drilling permit is subject to a separate approval of the supervisor of wells, thereby excluding any right or entitlement to permit from the property interest conveyed by the lease." When we get down to the discussion of what does this have to do with Nordhouse Dunes, they say instead that the claim being Nordhouse Dunes was a claim based on the state's taking of privately-owned minerals and the oil and gas leasehold interests in those minerals. So Nordhouse Dunes has nothing to do with this issue at all.

Now they've argued we should ban directional drilling because the DNR has not complied with all the 17 recommendations of the Governor's Environmental Science Board. Alright, let's put them in statute. Why ban directional drilling? We heat homes for ten million Michiganders here with Michigan oil and gas, so we're going to heat homes by banning seeking further oil and gas. That makes a lot of sense.

It's been argued that 70 percent of the people are opposed, as well as the candidates for Governor. Well, if all the candidates for Governor are opposed to this bill, why do we need the bill? We're not going to directional drill. So you don't need to ban it because they're going to do it for you. If 70 percent of the people are opposed, I give credit to the media. Sometimes I call it Jed Clampett journalism, and Jed Clampett journalism is what we do is present one side of the story again and again and again. Then we ask somebody, "Do you want to ruin the Great Lakes?" They say, "No, I don't want to ruin the Great Lakes." And we ask another person, "Do you want to ruin the Great Lakes?" "No, I don't want to ruin the Great Lakes." Pretty soon we've got 70 percent of the people. Then we have politicians who run and they lift their finger and say, "Seventy percent of the people are against this." Science, right or wrong, truth right or wrong, we're going to vote to ban directional drilling. Well, I would hope the Senators here today would think long and hard before you press the green button because, in my judgment, when you press the green button today, you're pressing the button to export high-paying jobs out of this state to some other state. And you're saying to the Michigan public, the mining people up there who have lost their jobs, and the steel industry people for whom we were fighting to try to keep their jobs, that's not important to us because we'll make our living on broadband. We'll make our living and do all sorts of things—maybe flipping burgers. But we ought to be about giving discounts to those who would risk their capital directional drilling rather than trying to ban them all together.

We're going at this exactly backwards. I rue the day that this came up because only three months ago this caucus was solid in its support, support of our friends, and support of our public be ensuring that the gas and oil they need to heat their homes and move their vehicles would be there for them now and in the future. Today we put that at risk. Today we say to Michigan oil and gas that we're going to put a placard on you, and we're going to treat you the same way as our ancestors treated those in Salem, Massachusetts, some 300 years ago. If 70 percent of us declare you're a witch, you must be a witch, so we'll hang you. And the same thing with the Jim Crow laws that occurred not too many years ago in Alabama and Mississippi. Seventy percent of the surrounding people say we're going to hang you, so let's hang you and make a criminal out of you. That's what we're doing today. We're putting a placard on Michigan oil and gas and saying we're going to hang you. We can't come up with any solution that would make drilling for oil and gas here to make sense to us, so we'll just ban it—it's easy. Get it out of mind; get it out of sight because we have an

election to run. Seventy percent of the people are behind us; never mind the truth; never mind justice; let's just get elected. I say, "Phooey."

Senator McCotter's statement is as follows:

It would just seem to me that both sides in this debate are doing what they believe to be right.

It would occur to me that much of what we heard today—even if we pass this ban—should circumstance a change in the world that the public can respond and that the Legislature can respond. The threat to the Great Lakes, however, is something that everyone seems to have decided that any risk at this point in time is unacceptable. I think that it's truly the public sentiment. I believe every resident in the state of Michigan believes that the Great Lakes are in their back yard.

I have swam in these lakes as a child; I've watched my children swim in them. And while I have always prided myself on being a proponent of science and of rational thought, I do, myself, understand the public sentiment that at the present time, there is not acceptable risk to the Great Lakes that we should run the risk of incurring. That's why I'm going to support this, cognizant of the fact that the science is sound; cognizant of the fact that the public is aware of the minimal risk, but also personally aware that the public, in my mind, is correct that that is not a risk that we should incur at this time.

Senator Young's statement is as follows:

I rise in support of this legislation, and I think there are several things that have been said here which kind of brought me to an alarm.

I think the alarm is this: We do have a responsibility in many cases to provide leadership, and in many cases, we have the responsibility to show that a good leader is one who listens. There's no doubt, no matter what side you are on on this issue, the truth of the matter is that people don't feel that this should take place at this time. So if there's any kind of responsibility that should be laid upon us, especially for those who believe in this, it would be the lack of education around the issue of whether or not this will be safe or not. That became one particular point because then I began to listen to some of the other conversations which talked about the people from Wayne County.

I remember talking to people about this issue from all parts of this state, and some even saying, "Well, in Wayne County you have a river; you don't even have a lake." What came to my attention at that time was that there is a lack of understanding, geographically, about how people feel about specific resources of which we all share, regardless of where we come from. But the truth of the matter is that people in Wayne County want a young Wayne County, and the people of a young county, want a good Wayne County. A good Wayne County includes quality of life which includes clean, safe, drinkable water. I think we have to realize that this is projected throughout all of the water resources that we have in the state of Michigan.

I think what we fail to see here and what we need to look at is one particular thing: People at this point in time do not believe that we should directional drill in our Great Lakes, and I think we ought to follow their advice. For that reason, I would hope that we'd support this piece of legislation.

Senator Hart's statement is as follows:

I support the bill and express purpose in this bill, but I take particular difference to the remarks made by the Senator from the 21st District when he repeated, "There is no problem with this type of drilling." But there is a problem. It is your perception of problems and my perception of problems. Think about the aesthetic value of that waterfront. Go on down to Kingsville, Ontario, or Leamington and see for yourself. Is this the kind of sight you want to see on the beautiful Great Lakes, oil drilling?

Senator Peters' first statement is as follows:

I rise in support of House Bill No. 5118. This is an historic day for the Michigan State Senate in that we are taking up some legislation that has been in the works for a long time. In fact, I introduced this bill four years ago, and at the time that I introduced it, folks said this would never pass and that the oil and gas lobby in the state was too strong and we would never get a ban on directional drilling underneath the Great Lakes.

Well, it looks like today we may very well get that ban. I'm certainly very hopeful that the Senate will vote in favor of this bill, it will get signed into law by the Governor, and we will put in force some significant protection for the bottomlands of the Great Lakes.

It has always been my concern that it was essential to keep drilling operations and drilling rigs away from that shoreline of Michigan, which is some of the most fragile ecosystems that we have here in the state.

Also when you look at the reserves that we believe are underneath the Great Lakes, they are very small relative to what we even use here in the state of Michigan. If we were to open up drilling underneath the Great Lakes, it would have no meaningful impact on what consumers pay at the gas pump. It would have no impact on what consumers pay to heat their homes. But on the other hand, it would potentially put our Great Lakes at risk for contamination or certainly risk to some of the fragile ecosystems that exist along those shorelines. So it was important to put forward a ban on this practice.

It was something that was widely supported by the public of the state of Michigan. Most public opinion polls show that around 70 percent of the people of the state of Michigan believe very strongly and passionately that there should not be drilling underneath the Great Lakes. It also has the support of practically every editorial board of every major newspaper in the state of Michigan.

It took some work getting to where we are today. We've had a series of hearings across the state engaging the public in this issue. I think by the fact that this bill is before us today, we're having an opportunity to vote on it, and we're going to do it in a bipartisan fashion that shows the power of the electorate and that the voice of the people of the state of Michigan is important. I would urge adoption of this important piece of environmental legislation.

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

I didn't intend to come up for a second time to talk about this issue, but I think it's important to perhaps address some of the issues that have been brought up by two of the previous speakers, which are arguments that I heard over the years as I've been working on this and have held hearings across the state of Michigan. We've heard these arguments, and some of these arguments have come before the Senate in the past. I think it's important to reiterate where this legislation is going, why it is important, and why the people of the state of Michigan rightly are opposed to it and I believe are doing it in good faith and are informed on the issue.

We have heard quite a bit of discussion about the importance of the oil and gas industry. This bill is not an attack on the oil and gas industry. There are plenty of opportunities throughout the state of Michigan to safely drill for oil and gas. The industry will continue to explore those areas and will continue to be profitable in the state of Michigan—not to mention the tremendous natural gas reserves that exist throughout the United States that are drilled on a daily basis that will continue. This is not a bill against the oil and gas industry.

There's also been a discussion about the importance of oil and gas, and anybody who is in support of this bill understands the importance of oil and gas, understands the importance of fueling our cars and of heating our homes. But we also understand another very important element of this and that's the importance of fresh water. Michigan is blessed with a tremendous reserve of fresh water. Close to one-third of the reserves that are in this entire world reside around Michigan. Many members of the Senate may have read a recent *New York Times* article. In fact, it was a headline in the *New York Times* talking about fresh water is the oil of the 21st century. It is the most important commodity as we move forward in an increasingly thirsty world. People who support this bill are concerned about ensuring the integrity of that resource.

We've heard talk about sound science, and we do acknowledge that the science board mentioned that there was limited risk to the lakes themselves by drilling underneath the bottomlands, but it's important to know that they cannot guarantee that there is no risk. When you're dealing with a commodity as important as fresh water and the reserve as important as the Michigan Great Lakes from a drinking water standpoint, not to mention an aesthetics and recreation standpoint. People in the state of Michigan believe any risk at this point is unacceptable.

The science board also acknowledge in clear terms that there is risk to sensitive ecological areas along our shoreline properties that need to be dealt with, and the DNR needs to develop regulations. We've heard that the DNR will be able to develop those and will be able to enforce those. But as I've had hearings across the state the Michigan, I've heard a much different story from folks who deal with oil and gas drilling near their homes, who have to live with oil and gas wells. In fact, we heard some incredibly compelling testimony from Filer Township, just south of Manistee, where some directional drilling wells currently operate there and are continually putting out noxious fumes that have actually sent people to the hospital; noxious fumes that have actually created health problems that still linger today with those individuals; noxious fumes that have shut down streets and have forced the evacuation of neighborhoods. We have to ask ourselves is that a use that is compatible with fragile shoreline property in the state of Michigan? Is that a land use that we want to promote at this time? People who support this bill believe no, it is an incompatible land use, and it is not necessary. There are plenty of other areas to drill, certainly areas away from residential areas that tend to be along our coastal shorelines.

We've also heard that there is quite a bit of resource under the Great Lakes. We know from at least from our own Department of Natural Resources and state of Michigan geologist estimates that there's a very limited amount of oil and gas underneath the Great Lakes. It has been estimated that with just what we use in this state, there is less than a three-week supply of oil and less than an eight-week supply of natural gas. And it's fairly clear that if we were to open up the bottomlands for oil and gas exploration, it would have no impact on what people have at the gas pump. It will have no impact on what they pay to heat their home, but at the same time, there still will exist the risk to endanger not only valuable shoreline property, but the Great Lakes, the most precious natural resource that we have.

The previous speaker talked about Canada's drilling it out and sending it down through the Straits of Mackinac and that natural gas is coming into the states. What he didn't say is the gas that's coming through those pipelines isn't coming from the Great Lakes. It's coming from western Canada where there are tremendous reserves of natural gas that will be tapped for scores of years, maybe a 100 years-plus, and we have those reserves in the western United States as well.

Regarding the discussions about sound science in drilling operations and how safe they are today, this bill does not preclude us from drilling at some point in the future. We may be in the situation where the people of the state of Michigan determine that that valuable resource should be exploited underneath the Great Lakes, and this law can change. Can you imagine what the science of drilling will be 50 years from now? It will be much better than it is today and may indeed even provide close to a guarantee of no danger. Just look at where drilling operations are today versus where they were 50 years ago. You know that the science of drilling has progressed at an incredible rate, and it will likely continue to progress over the next 50 years. That opportunity will exist for a future Legislature to debate and a future citizenry of the state of Michigan to debate as to whether or not to open it. What the people are saying here in the state of Michigan today in clear and in no uncertain terms, as I've mentioned before, previous speakers and nearly 70 percent of the people of this state are saying we do not need to open up those bottomlands to be drilled today. It is not necessary.

Now I heard a previous speaker, the Senator from the 34th District, say that the Republican Caucus in the past had held firm in support of our friends. I know we've debated this issue, and the oil and gas lobby is very strong in this state. The previous speaker talked about how the caucus was in support of our friends, and we all know that's politician-speak for special interest. Well, I hope that we look beyond those special interests, and we look to those people of the state of Michigan.

We heard the previous speaker talk about how gut wrenching it is for politicians to listen to the public and the public perceptions of what they would like done with their property—owned by the taxpayers of this state of Michigan the bottomlands of the Great Lakes. I take a different view. I don't think that's gut wrenching. I think it's refreshing that elected officials in the state of Michigan will listen to their constituents and will vote according to the wishes of their constituents. To me, that's the way the democratic system works. It's the way it's supposed to work. And as I mentioned in my first comments, this is an historic day in that we will see, I hope, the Michigan Legislature indeed voting along the lines of the people of the state of Michigan and their desires and ban directional drilling underneath the Great Lakes.

We certainly have a choice, and the previous speaker talked about the Natural Resources Trust Fund in that this may cost the fund some money. Well, the trust fund is designed that when we open up protected areas or sensitive areas that the people of the state of Michigan can still get some return from those reserves or even in nonprotected areas can get some return from those natural resources. That is one option we have as policymakers. With that trust fund, we can buy land and permanently protect that land for future generations by having it owned by the state of Michigan, purchased with funds from the Natural Resource Trust Fund. However, the other option that we could use is to regulate or protect land with legislation, and that's what this bill is doing. The people of the state of Michigan are saying rather than getting some money in the Natural Resource Trust Fund and buying a few acres of sensitive land, why don't we protect all of the valuable shoreline along Lake Michigan and along our Great Lakes and permanently ban directional drilling under the Great Lakes. To me, that's a much more effective way of protecting this resource than perhaps buying a few acres and putting it in the public trust. We can put all of that area in public trust.

So in summary, this bill is complying with the voters of the state of Michigan and their strong desires. It is protecting a very valuable resource in our Great Lakes, as well as protecting the resource of oil and gas that are perhaps for future generations. It is not an attack on the oil and gas industry. It is prudent land management. It is using the Legislature to protect a valuable resource and following the wishes of the people of the state of Michigan, and I would urge adoption.

Senator Sikkema's statement is as follows:

I've listened to the debate, and I certainly don't begrudge anyone for their position on this issue. Good people can differ. But I do think some of the comments need a response.

First and foremost is the issue that we ought to rely on sound science, in that sound science would lead you to allow directional drilling in the Great Lakes. The desire to rely on sound science is a good one. In fact, that's exactly what was attempted here.

A few years ago, the Governor imposed a moratorium on any new leases of Great Lakes bottomlands and requested the Michigan Environmental Science Board to look at the issue and make some recommendations. That board did that. One of their recommendations and one of the more significant ones is that prior to leasing any Great Lakes bottomlands, we should do a major environmental impact study to identify prior to leasing where, if anyplace, you would allow drilling. That particular recommendation has been rejected by the Department of Natural Resources and the Department of Environmental Quality. They rejected it last fall. It just strikes me that you can't have it both ways here. You can't say let's rely on sound science, and then when the very scientists you asked to render an opinion and recommendations give that to you, you reject it.

It's also been said that the environmental impacts of directional drilling on the Great Lakes shoreline are minimal. The Great Lakes Conservation Task Force had eight public hearings last fall and took testimony on a variety of issues. Senator Gast, by the way, is right. The one issue that we got more public input on more than any other was the issue of sewage contamination. But be that as it may, environmental impacts to shoreline from oil and gas are there. There are environmental impacts. There is considerable testimony about problems related to oil and gas development. This is

not a risk-free business. Nobody pretends that it is. But it is not accurate to say or to assert that there are no or very little environmental impacts to the shorelands when you allow directional drilling.

It's also been said that if we don't drill these resources, Canada will take these resources. Well, that's inaccurate. The oil reserves under the Great Lakes bottomlands owned by the state of Michigan are not going to be subject to a risk that any other state or Canadian province will somehow get at those resources. Those reservoirs, those reserves, from everything we know from the oil and gas industry, are under the Michigan-owned bottomlands. Those oil reserves aren't going to go away. They will be there for any future emergency if we really do have an energy emergency.

Let me just take a couple of minutes on one of the more significant issues here. That is, if we allow the leasing of Great Lakes bottomlands today, we are subjecting the state taxpayers to a very significant financial risk. That is because of this bifurcated nature of allowing oil and gas development in Michigan, where we lease land and then months later, sometimes years later, we make decisions on drilling permits. The problem with that system, and we've run into it twice now in the last 30 years in this state, is that when you lease land for oil and gas development and you issue a development lease and the state agencies responsible for environmental protection pronounce when they do that that it's safe to drill for oil and gas, you create the presumption that we're going to allow drilling. Then, if months or years later, you deny a drilling permit for whatever reason, whether it's political or whatever, you subject the taxpayers of this state to enormous financial risk. This Legislature, this Senate and the House, experienced it a few years ago where we had to appropriate \$90 million of taxpayer money in the famous Nordhouse Dunes case, or I should say infamous Nordhouse Dunes case. It would be foolish for us to ignore that.

Now the statement has been made that if we drill for oil and gas under the Great Lakes, somehow we're going to reduce our reliance on foreign oil. Ladies and gentlemen, Michigan is not a big producer of gas. We never have been. We never will be. Whatever oil and gas we take from state bottomlands or on shore is not going to reduce our reliance on foreign oil one iota. That same argument was made in the late '70s and early '80s when the then-famous oil controversy, the Pigeon River case, that if we didn't allow drilling in the Pigeon River, we were going to increase our reliance on foreign oil. We actually allowed it, and our reliance went up.

Now let me finish my comments by saying we have a long history in this state of protecting certain areas from oil and gas development. This is not unprecedented. You can't drill for oil and gas in the northern two-thirds of the Pigeon River Country. You can't drill for oil and gas in the Jordan River Valley. You can't drill for oil and gas in the Mason Tract. You can't drill for oil and gas in other parts of this state where we have said for environmental reasons, recreational reasons, aesthetic reasons or cultural reasons that this area is going to be off limits. This is not a unique step. There's precedent for it. There's no question that the public sentiment is strongly against it. And when you add on top of that the fact we're not following all the recommendations of the Michigan Environmental Science Board, I think that seals the case. I hope you will join me in voting for this bill, getting it back over to the House where I assume they will concur in the changes we have made, and send it to the Governor for his signature.

Senator Smith's statement is as follows:

I rise to support House Bill No. 5118. Through the course of the discussion today, we have heard repeatedly that the Canadians have been drilling in the Great Lakes since 1913 and that they have been drilling without incident. Between 1997 and 2001, the Ontario Ministry of Natural Resources has documented 51 oil and gas leaks from their rigs around the Great Lakes. So it isn't without incident. It isn't totally without risk.

If I can echo the Senator from the 9th District, the science may be there, but the public understanding of what it wants for its Great Lakes is that there be no drilling, that resources be protected for the future generations, that we as citizens do something different rather than drilling, and that we might consider conserving and alternative fuel sources and protect our natural resources into the future.

It isn't an emotional decision. It's a rational decision based on other factors and other priorities. I think the citizens have spoken. I think it's up to the Legislature to reflect that decision.

The following bill was read a third time:

**House Bill No. 4487, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 2201 (MCL 440.2201).

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. 86**

**Yeas—33**

Bennett  
Bullard

Gast  
Goschka

Leland  
McCotter

Schwarz  
Scott

Byrum	Gougeon	McManus	Shugars
Cherry	Hammerstrom	Miller	Sikkema
DeBeaussaert	Hart	North	Smith
DeGrow	Hoffman	Peters	Stille
Dingell	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Garcia			

**Nays—0****Excused—5**

Dunaskiss	Murphy	Steil	Vaughn
Emmons			

**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 enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; 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. 4812, entitled**

A bill to amend 1981 PA 155, entitled “An act to provide for ownership rights in dies, molds, and forms for use in the fabrication of plastic parts under certain conditions and to establish a lien on certain dies, molds, and forms,” by amending sections 1 and 8a (MCL 445.611 and 445.618a), section 8a as added by 1986 PA 103, and by adding sections 9, 10, 10a, 10b, and 10c.

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. 87****Yeas—33**

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

**Nays—0**

**Excused—5**

Dunaskiss  
Emmons

Murphy

Steil

Vaughn

**Not Voting—0**

In The Chair: Schwarz

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

The following bill was read a third time:

**House Bill No. 5382, entitled**

A bill to amend 1962 PA 174, entitled “Uniform commercial code,” by amending section 9201 (MCL 440.9201), as amended by 2000 PA 348.

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. 88**

**Yeas—33**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Emerson  
Garcia

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
North  
Peters  
Sanborn  
Schuette

Schwarz  
Scott  
Shugars  
Sikkema  
Smith  
Stille  
Van Regenmorter  
Young

**Nays—0**

**Excused—5**

Dunaskiss  
Emmons

Murphy

Steil

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 enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

### **Resolutions**

Senator Hammerstrom 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. 166**

#### **Senate Resolution No. 167**

The resolution consent calendar was adopted.

Senators Hart, Peters, Dingell, McCotter, DeBeaussaert, Scott, Young and Miller offered the following resolution:

#### **Senate Resolution No. 166.**

A resolution observing April 26 - May 5, 2002, as National Dance Week.

Whereas, This year Michigan will observe April 26 - May 5, 2002, as the third annual National Dance Week, which was developed to heighten the awareness of the art of dance; and

Whereas, It is a distinct privilege to join with dancers throughout the country, and particularly in Michigan, in celebrating National Dance Week. This special week has been set aside to recognize the essential role that the arts play in our society, including the contribution of dance to American life; and

Whereas, Communities across our nation are honoring dance for its artistic beauty and its value as a means of physical fitness, cross-cultural communication, and religious expression; and

Whereas, On April 27, 2002, Sickle's Dance Company, a caring corporate citizen of our community, will host a special program entitled "Dearborn Dance Festival." This festival will broaden and impact public knowledge, understanding, and appreciation of the art of dance. The citizens of the city of Dearborn and the entire state of Michigan can anticipate enjoying the talents of professional choreographers, instructors, performers, and students from across the state of Michigan; and

Whereas, The "Dearborn Dance Festival" will offer a rare opportunity for each one of us to experience the enjoyment of this unique form of human expression; now, therefore, be it

Resolved by the Senate, That we observe April 26 - May 5, 2002, as the third annual National Dance Week in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Sickle's Dance Company as an expression of our support for this event.

Senator Schuette offered the following resolution:

#### **Senate Resolution No. 167.**

A resolution to honor the Calvary Baptist Academy Kings Soccer Team, Michigan Association of Christian Schools Division 1 State Champions.

Whereas, It is a great pleasure and a privilege to offer accolades of tribute to the players and coaches of the Calvary Baptist Academy Kings Soccer Team on their stellar season. The Calvary Baptist Academy Kings are the 2001 Michigan Association of Christian Schools Division 1 State Champions. We are proud to salute the players as they are honored as an inspiring group of student athletes and extend to them our sincerest praise and highest compliments; and

Whereas, Fans of the Calvary Baptist Academy Kings have had every reason to shout themselves hoarse as their team rounded out the year with a state championship record that exemplified the hard work and determination of both the players and their coaches. They have certainly earned our applause and congratulations for a job well done; and

Whereas, The lives of these young men have been impacted in lasting and important ways by the lessons of a team that embodies the ideals set forth by Calvary Baptist Academy. May their families and communities be proud of each young man and the goals in his life that he sets and works hard to reach; and

Whereas, The members of Calvary Baptist Academy Kings Soccer Team are as follows:

James Day	Paul Moore	Mike Romig
Jeremy Schmidt	Matt Stevens	Joe Stinson
T.J. VanWert	Jeremy Buckley	Aaron Love
Mikey O'Shaughnessey	Tyler Flower	Justin Covio
Ben Dittenbir	Aaron Dobos	Jonathon Maston
James Payne	Adam Stevens	Tyler Ouderkirk
Jason Siefert	Jason Buckley	Tim Kelly
Justin Mayer	Paul Reese	Nat Schultz

Coaches

John VanHolstyn  
Dale Moore

John Day  
Bobby John

; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor the 2001 Calvary Baptist Academy Kings Soccer Team as Michigan Association of Christian Schools Division 1 State Champions for their outstanding performance; and be it further

Resolved, That a copy of this resolution be transmitted to the Calvary Baptist Academy Kings Soccer Team as a token of our acclaim.

**House Concurrent Resolution No. 36.**

A concurrent resolution to memorialize the President and the Congress of the United States to work to implement United Nations resolutions to bring peace and security to Cyprus.

Whereas, This year marks the twenty-seventh anniversary of the Turkish invasion and occupation of Cyprus; and

Whereas, The Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions; and

Whereas, The international community and the United States government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus; and

Whereas, There are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

Whereas, A peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey; and

Whereas, The United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1217, which was adopted on December 22, 1998, with United States support; and

Whereas, United Nations Security Council Resolution 1218, also adopted on December 22, 1998, calls for reduction of tensions in the island through a staged process aimed at limiting and then substantially reducing the level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

Whereas, President Bush wholeheartedly supported Resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President and the Congress of the United States to work to implement United Nations resolutions to bring peace and security to Cyprus; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

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

Senator Emmons offered the following resolution:

**Senate Resolution No. 165.**

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 1.119 of the Standing Rules of the Senate be hereby amended to read as follows: "1.119 DUTIES OF THE SERGEANT AT ARMS

a) The Sergeant at Arms shall be the chief security officer of the Senate. Under the direction of the Senate Majority Leader, the Secretary of the Senate shall supervise and direct the work of the Sergeant at Arms, Assistant Sergeants at

Arms, and Pages AND MAY COMMISSION THE SERGEANT AT ARMS AND ASSISTANT SERGEANTS AT ARMS, WHO MEET THE CERTIFICATION REQUIREMENTS OF THIS STATE, AS LAW ENFORCEMENT OFFICERS WITH THE POWERS PROVIDED UNDER THE LEGISLATIVE SERGEANT AT ARMS POLICE POWERS ACT (SEE MCL 4.381-4.382).

b) The Sergeant at Arms shall attend the Senate during its sessions and maintain order under the direction of the presiding officer. The Sergeant at Arms shall execute the commands of the presiding officer and of the Senate, and all processes issued by authority thereof.

c) The Sergeant at Arms shall have general charge, and maintain order, in the gallery, Chamber, and committee rooms of the Senate. The Sergeant at Arms shall see that all staff and visitors are seated.”

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

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

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

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 Smith as Chairperson.

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

#### **House Bill No. 5420, entitled**

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 122 (MCL 389.122), as amended by 1984 PA 148.

#### **House Bill No. 5421, entitled**

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 126 (MCL 389.126).

#### **House Bill No. 5422, entitled**

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 127 (MCL 389.127), as added by 1982 PA 342.

#### **House Bill No. 5423, entitled**

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 144 (MCL 389.144), as amended by 1990 PA 287.

#### **House Bill No. 5022, entitled**

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

#### **House Bill No. 5023, entitled**

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

#### **House Bill No. 5024, entitled**

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

#### **House Bill No. 5025, entitled**

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

**House Bill No. 5186, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 1 (MCL 52.201); and to repeal acts and parts of acts.

**Senate Bill No. 397, entitled**

A bill to designate an official fossil of this state.

**Senate Bill No. 884, entitled**

A bill to amend 1919 PA 149, entitled "An act to accept the requirements and benefits of an act of the sixty-fourth congress of the United States, approved February 23, 1917, known as the Smith-Hughes act, or Public Act No. 347, relating to appropriations to be made by the federal government to the several states for the support and control of instruction in agriculture, the trades, industries, and home economics, and for the preparation of teachers of vocational subjects; to designate a state board of control for vocational education; to provide for the proper custody and administration of funds received by the state from such appropriations; and to provide for appropriations by the state and by local school authorities to meet the conditions of said act of congress," by amending sections 7 and 8 (MCL 395.7 and 395.8).

**Senate Bill No. 885, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 15 (MCL 400.15).

**Senate Bill No. 886, entitled**

A bill to amend 1921 PA 59, entitled "An act to relieve the county and state from the support of certain classes of aliens who are subject to deportation from the United States; making an appropriation therefor and providing penalties for the non-performance of duties under the provisions of this act," by amending section 2 (MCL 404.32).

**Senate Bill No. 888, entitled**

A bill to amend 1846 RS 21, entitled "Of specific state taxes and duties," by amending section 30 (MCL 446.30).

**Senate Bill No. 891, entitled**

A bill to amend 1881 PA 182, entitled "An act to provide for the incorporation of pipe line companies, and to define their powers and duties," by amending sections 22, 23, and 24 (MCL 483.222, 483.223, and 483.224).

**Senate Bill No. 893, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2123, 2558, 6458, and 6461 (MCL 600.2123, 600.2558, 600.6458, and 600.6461), section 2558 as amended by 1996 PA 214.

**Senate Bill No. 894, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 26a of chapter XIV and section 6 of chapter XVI (MCL 774.26a and 776.6), section 26a of chapter XIV as amended by 1980 PA 506.

**Senate Bill No. 895, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending sections 49 and 61 (MCL 800.49 and 800.61).

**Senate Bill No. 896, entitled**

A bill to amend 1881 PA 181, entitled "An act to provide for the payment of interest on the educational funds, and to repeal section 10 of chapter 131 of the Compiled Laws of 1871, being compiler's section 3477," by amending section 1 (MCL 21.201).

**Senate Bill No. 898, entitled**

A bill to amend 1911 PA 44, entitled "An act to create a state board of equalization; to prescribe its powers and duties; to provide that said board shall be furnished with certain information by the several boards of supervisors and by the state tax commission; to provide for meeting the expense authorized by this act, and to repeal all acts or parts of acts contravening the provisions of this act," by amending sections 3 and 4 (MCL 209.3 and 209.4), section 4 as amended by 2001 PA 36.

**Senate Bill No. 899, entitled**

A bill to amend 1917 PA 99, entitled "An act to provide for the construction, maintenance and improvement of federal aided roads; to authorize townships, good roads districts and counties to raise money by taxation and by loan for the purpose of contributing thereto; to validate and legalize proceedings heretofore taken to raise money for the purpose contemplated by this act; and to provide an appropriation for paying the state's portion of the expense incurred hereunder," by amending section 1 (MCL 249.1).

**Senate Bill No. 901, entitled**

A bill to amend 1863 PA 140, entitled "An act to provide for the selection, care and disposition of the lands donated to the state of Michigan, by act of congress, approved July second, 1862, for the endowment of colleges for the benefit of agriculture and the mechanic arts," by amending sections 8 and 10 (MCL 322.178 and 322.180).

**Senate Bill No. 902, entitled**

A bill to amend 1909 PA 139, entitled "An act relative to the maintenance and construction of hospitals and sanatoria within the counties of this state and to provide a tax to raise moneys therefor," by amending section 5 (MCL 331.105).

**Senate Bill No. 903, entitled**

A bill to amend 1909 PA 269, entitled "An act to revise the laws relating to Michigan state university; and to prescribe the powers and duties of the board of trustees of Michigan state university," by amending section 20 (MCL 390.120).

**Senate Bill No. 904, entitled**

A bill to amend 1931 PA 96, entitled "An act to provide for the construction and maintenance of non-trunk line roads located within the limits of a United States forest," by amending section 3 (MCL 249.33).

**Senate Bill No. 905, entitled**

A bill to amend 1859 PA 143, entitled "An act relative to the university interest fund," by amending section 1 (MCL 21.211).

**Senate Bill No. 907, entitled**

A bill to amend 1925 PA 177, entitled "An act to protect and promote the public health and welfare, and to provide for the construction, maintenance and operation of hospitals and sanatoriums for the treatment of tuberculosis; and to make an appropriation therefor," by amending sections 9 and 14 (MCL 332.159 and 332.164).

**Senate Bill No. 908, entitled**

A bill to amend 1947 PA 4, entitled "An act to authorize and provide for the borrowing of \$270,000,000.00 to make payments to persons who served in the military, naval, marine or coast guard forces of the United States, including women serving in auxiliary branches thereof, or to their next of kin or estates, and the issuance of certain serial bonds and serial notes for such indebtedness; to create a veterans' military pay fund and a veterans' bond redemption fund; to pledge the full faith and credit of the state; to provide for the payment of principal and interest on such serial obligations; to make appropriations therefor; and to make such serial notes and serial bonds exempt from taxation," by amending section 1 (MCL 35.901).

**Senate Bill No. 909, entitled**

A bill to amend 1947 PA 12, entitled "Veterans' military pay act," by amending section 8 (MCL 35.928).

**Senate Bill No. 910, entitled**

A bill to amend 1955 PA 8, entitled "Korean veterans' military pay fund act of 1955," by amending sections 7 and 9 (MCL 35.977 and 35.979).

**Senate Bill No. 911, entitled**

A bill to amend 1945 PA 72, entitled "An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts," by amending section 5 (MCL 286.255).

**Senate Bill No. 913, entitled**

A bill to amend 1846 RS 60, entitled "Of the superintendence and disposition of the public lands," by amending section 19 (MCL 322.319).

**Senate Bill No. 914, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 35, 41, 57a, 58, 62, 63, 64, 66, 67, 70, 73, 73a, 73b, 75, 83, 85, 86, 87, 88, 90, 95, 96, 97, 98, 98a, 99, 101, 102, 103, 105, 113, 121, 122, 127b, 130, 135, 138, 139, and 144 (MCL 211.35, 211.41, 211.57a, 211.58, 211.62, 211.63, 211.64, 211.66, 211.67, 211.70, 211.73, 211.73a, 211.73b, 211.75, 211.83, 211.85, 211.86, 211.87, 211.88, 211.90, 211.95, 211.96, 211.97, 211.98, 211.98a, 211.99, 211.101, 211.102, 211.103, 211.105, 211.113, 211.121, 211.122, 211.127b, 211.130, 211.135, 211.138, 211.139, and 211.144).

**Senate Bill No. 915, entitled**

A bill to amend 1933 PA 162, entitled "An act to provide for the levy of certain additional taxes in municipal school districts," by amending section 5 (MCL 211.255).

**Senate Bill No. 916, entitled**

A bill to amend 1943 PA 92, entitled "An act to protect the interest of the public, acquired other than through taxation, in lands under the jurisdiction and control of the state land office board and department of conservation, and to make an appropriation therefor," by amending sections 1, 2, 3, and 4 (MCL 211.371, 211.372, 211.373, and 211.374).

**Senate Bill No. 917, entitled**

A bill to amend 1907 PA 130, entitled "An act to provide for refunding to purchasers the price paid to the state on sale of land by the commissioner of the state land office, under section 131 of Act 206 of Public Acts of 1893, as amended by Act 141 of Public Acts of 1901, in cases where the land sold did not belong to the class of lands liable to sale thereunder; for cancelling the conveyance of such lands to the state and restoring the tax liens thereon in favor of the state, which were erroneously cancelled," by amending sections 1, 2, 3, and 4 (MCL 211.451, 211.452, 211.453, and 211.454).

**Senate Bill No. 918, entitled**

A bill to amend 1897 PA 263, entitled "An act to authorize the auditor general to accept payment of taxes and charges from the owner of any description of land held by the state as state tax lands," by amending section 1 (MCL 211.541).

**Senate Bill No. 1019, entitled**

A bill to amend 1962 PA 213, entitled "An act to encourage the raising of started pullets; to provide for the inspection and certification as to the age, condition and health of started pullets; to define certain terms; to provide authority to establish and collect fees; to impose certain responsibilities on the department of agriculture; to grant authority to make rules and regulations to carry out the purpose of this act; and to prescribe penalties for violation thereof," by repealing section 4 (MCL 287.174).

**Senate Bill No. 1020, entitled**

A bill to amend 1917 PA 74, entitled "An act to fix standards for climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and to punish violations of the same," by amending section 4 (MCL 290.134).

**Senate Bill No. 1025, entitled**

A bill to repeal 1865 PA 165, entitled "An act making it obligatory upon banks and bankers in this state to stamp counterfeit, altered and worthless bank bills," (MCL 487.651 to 487.652).

**Senate Bill No. 1026, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 502 (MCL 750.502).

**Senate Bill No. 1027, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 41 (MCL 750.41).

**Senate Bill No. 1030, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing sections 442, 443, 444, 445, 446, and 447 (MCL 750.442, 750.443, 750.444, 750.445, 750.446, and 750.447).

**Senate Bill No. 1031, entitled**

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

**Senate Bill No. 1032, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 409 (MCL 750.409).

**Senate Bill No. 1034, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 348 (MCL 750.348).

**Senate Bill No. 1035, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as added by 1998 PA 317.

**Senate Bill No. 1036, entitled**

A bill to amend 1929 PA 269, entitled "An act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems; to provide penalties for the violation thereof; and to repeal Act No. 255 of the Public Acts of 1909," by amending section 3 (MCL 430.53).

**Senate Bill No. 1037, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 494 (MCL 750.494).

**Senate Bill No. 1038, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 517 (MCL 750.517).

**Senate Bill No. 1039, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 516 (MCL 750.516).

**Senate Bill No. 1040, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 514 (MCL 750.514).

**Senate Bill No. 1042, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 513 (MCL 750.513).

**Senate Bill No. 1043, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2000 PA 473.

**Senate Bill No. 1044, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 179 (MCL 750.179).

**Senate Bill No. 1045, entitled**

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

**Senate Bill No. 1046, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 366 (MCL 750.366).

**Senate Bill No. 1047, entitled**

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

**Senate Bill No. 1048, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 266 (MCL 750.266).

**Senate Bill No. 1049, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16n of chapter XVII (MCL 777.16n), as added by 1998 PA 317.

**Senate Bill No. 1050, entitled**

A bill to amend 1893 PA 123, entitled "An act to provide for the maintenance, supervision and government of the Michigan school for the blind, and to repeal all acts and parts of acts inconsistent herewith," by amending section 1 (MCL 393.101).

**Senate Bill No. 1052, entitled**

A bill to repeal 1976 PA 340, entitled "An act to create a municipal fire service classification board; to prescribe the powers and duties of certain state agencies and officials; to provide for the evaluation of fire service delivery systems; to establish a fire service classification scale; to provide recommendations for the improvement of the capabilities of fire service delivery systems to improve life safety and to reduce fire losses for the citizens of this state; to provide for the promulgation of rules; and to provide for the administration of this act," (MCL 28.651 to 28.657).

**Senate Bill No. 1054, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 57 (MCL 211.57), as amended by 1999 PA 123.

**Senate Bill No. 1055, 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 section 30a (MCL 205.30a), as amended by 1995 PA 116.

**Senate Bill No. 1056, entitled**

A bill to repeal 1955 PA 191, entitled "An act authorizing the state highway commissioner of Michigan to enter into negotiations with the Wisconsin state highway commissioner in the preparation of plans, specifications and designs of an interstate bridge extending from First street in Menominee across the Menominee river to Ogden street in Marinette, Wisconsin, and to provide for the cost and expense of such plans, specifications and designs," (MCL 254.131).

**Senate Bill No. 1057, entitled**

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

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

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

**Senate Bill No. 1029, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 448, 449, 450, 451, and 462 (MCL 750.448, 750.449, 750.450, 750.451, and 750.462).

Substitute (S-1).

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

1. Amend page 2, line 16, after "a" by striking out the balance of the section and inserting "CRIME PUNISHABLE AS PROVIDED IN SECTION 451."

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. 4325, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451 (MCL 750.451).

Substitute (S-1).

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

1. Amend page 1, line 7, by striking out "\$100.00" and inserting "\$500.00".

2. Amend page 2, line 3, after "than" by striking out "\$500.00" and inserting "\$1,000.00".

3. Amend page 2, line 10, after "years" by inserting a comma and "OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH".

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. 5033, entitled**

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

Substitute (S-1).

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

1. Amend page 2, line 9, after "purposes" by striking out the balance of the line through "offense" on line 10 and inserting "WITH PRIOR CONVICTION".

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. 5449, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 145b, 448, 449, 450, and 462 (MCL 750.145b, 750.448, 750.449, 750.450, and 750.462).

Substitute (S-1).

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

1. Amend page 2, line 8, after "THAN" by striking out "\$2,000.00" and inserting "\$4,000.00".
2. Amend page 3, line 7, by striking out "OR OF A POLITICAL SUBDIVISION OF ANOTHER STATE".

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. 5389, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2001 PA 136, and by adding sections 17b, 17c, 17d, 17f, and 17g to chapter XVII.

Substitute (S-1).

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

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

**House Bill No. 5390, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XVII (MCL 777.14), as amended by 2000 PA 363, and by adding sections 14a, 14b, 14c, 14d, 14f, 14g, 14h, 14j, 14m, and 14p to chapter XVII.

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

1. Amend page 15, following line 20, by striking out all of enacting section 1 and inserting:  
 "Enacting section 1. This amendatory act takes effect April 1, 2002."

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

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

**House Bill No. 5391, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as amended by 2001 PA 156, and by adding sections 13b, 13c, 13d, 13e, 13f, 13g, 13j, 13k, 13m, 13n, and 13p.

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

1. Amend page 23, line 15, by striking out "February" and inserting "April".

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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. 5392, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 2001 PA 154, and by adding sections 11a, 11b, 11c, 11d, and 11e to chapter XVII.

Substitute (S-1).

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

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"CHAPTER IX

Sec. 31. As used in this section and sections 32 to SECTION 34 of this chapter:

~~(a) "Commission" means the sentencing commission created in section 32 of this chapter.~~

(A) ~~(b)~~ "Departure" means a sentence imposed that is not within the appropriate minimum sentence range established under the sentencing guidelines set forth in chapter XVII.

(B) ~~(c)~~ "Intermediate sanction" means probation or any sanction, other than imprisonment in a state prison or state reformatory, that may lawfully be imposed. Intermediate sanction includes, but is not limited to, 1 or more of the following:

- (i) Inpatient or outpatient drug treatment.
- (ii) Probation with any probation conditions required or authorized by law.
- (iii) Residential probation.

- (iv) Probation with jail.
- (v) Probation with special alternative incarceration.
- (vi) Mental health treatment.
- (vii) Mental health or substance abuse counseling.
- (viii) Jail.
- (ix) Jail with work or school release.
- (x) Jail, with or without authorization for day parole under 1962 PA 60, MCL 801.251 to 801.258.
- (xi) Participation in a community corrections program.
- (xii) Community service.
- (xiii) Payment of a fine.
- (xiv) House arrest.
- (xv) Electronic monitoring.

(C) ~~(A)~~ "Offender characteristics" means only the prior criminal record of an offender.

(D) ~~(B)~~ "Offense characteristics" means the elements of the crime and the aggravating and mitigating factors relating to the offense that the ~~commission~~ LEGISLATURE determines are appropriate. ~~and consistent with the criteria described in section 33(1)(c) of this chapter.~~ For purposes of this subdivision, an offense described in section 33b of 1953 PA 232, MCL 791.233b, that resulted in a conviction and that arose out of the same transaction as the offense for which the sentencing guidelines are being scored shall be considered as an aggravating factor.

(E) ~~(C)~~ "Prior criminal record" means all of the following:

- (i) Misdemeanor and felony convictions.
- (ii) Probation and parole violations involving criminal activity.
- (iii) Dispositions entered under section 18 of chapter XIII A of 1939 PA 288, MCL 712A.18, for acts that would have been crimes if committed by an adult.
- (iv) Assignment to youthful trainee status under sections 11 to 15 of chapter II.
- (v) A conviction set aside under 1965 PA 213, MCL 780.621 to 780.624.
- (vi) Dispositions described in subparagraph (iii) that have been set aside under section 18e of chapter XIII A of 1939 PA 288, MCL 712A.18e, or expunged.

~~(g) "Total capacity of state correctional facilities" means, at any given time, the capacities of all permanent and temporary state correctional facilities in use and all state correctional facilities approved for construction under the joint capital outlay process as of the preceding June 1."~~

2. Amend page 12, following line 11, by inserting:

"Enacting section 1. Sections 32 and 33 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.32 and 769.33, are repealed." and renumbering the remaining enacting section.

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. 920, entitled**

A bill to authorize the state administrative board to convey certain property in Branch county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 890, entitled**

A bill to amend 1909 PA 263, entitled "An act to authorize the Michigan dairymen's association to hold an annual meeting and such auxiliary meetings as may be determined by the association, and making an appropriation therefor," by amending section 2 (MCL 453.452).

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 900, entitled**

A bill to amend 1921 PA 358, entitled "An act authorizing the state to reimburse counties and townships to the extent of 1/2 of the amounts spent by such counties and townships in connection with the destruction of grasshoppers and

similar pests, making an appropriation therefor, and providing a tax to meet the same,” by amending sections 2, 3, 4, and 5 (MCL 286.132, 286.133, 286.134, and 286.135).

Substitute (S-1).

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

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

**Senate Bill No. 906, entitled**

A bill to amend 1901 PA 232, entitled “An act to extend aid to the Michigan state college of agriculture and applied science,” by amending section 4 (MCL 390.224); and to repeal acts and parts of acts.

Substitute (S-1).

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

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

**Senate Bill No. 1041, entitled**

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

Substitute (S-1).

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

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

**Senate Bill No. 1053, entitled**

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

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.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Hammerstrom moved that rule 2.106 be suspended to allow all committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Pursuant to rule 3.203, the Majority Leader made the following committee reassignments:

**House Bill No. 5349**

**House Bill No. 5496**

The bills were referred to the Committee on Judiciary.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Gast, Schwarz, Johnson, McManus, Gougeon and Young introduced

**Senate Bill No. 1099, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2002 and September 30, 2003; to implement the appropriations within the budgetary process; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general

fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; September 30, 2003 to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

Senators Gast and Goschka introduced

**Senate Bill No. 1100, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senators Gougeon, Schwarz, Johnson and Smith introduced

**Senate Bill No. 1101, entitled**

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

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

Senators North, Hoffman and Smith introduced

**Senate Bill No. 1102, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senators Stille and Bennett introduced

**Senate Bill No. 1103, entitled**

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

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

Senators Bennett, Gast and North introduced

**Senate Bill No. 1104, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senators Schwarz, McManus and Smith introduced

**Senate Bill No. 1105, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2003; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senators McManus, Gast and Hoffman introduced

**Senate Bill No. 1106, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senators Stille and Bennett introduced

**Senate Bill No. 1107, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 37, 38, 39, 41, 51a, 51c, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 96, 98, 99, 105, 107, 108, 147, and 169a (MCL 388.1611, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632d, 388.1637, 388.1638, 388.1639, 388.1641, 388.1651a, 388.1651c, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1698, 388.1699, 388.1705, 388.1707, 388.1708, 388.1747, and 388.1769a), sections 11, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 41, 51a, 51c, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 98, 99, 107, and 147 as amended by 2001 PA 121, and sections 19, 37, 38, 39, 96, 105, and 108 as amended by 2000 PA 297, and section 169a as amended by 1997 PA 93, and by adding sections 11j, 39a, 51d, 99a, and 121a; and to repeal acts and parts of acts.

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

Senators McManus and Gast introduced

**Senate Bill No. 1108, entitled**

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

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

Senators Johnson and Stille introduced

**Senate Bill No. 1109, entitled**

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

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

Senators Bennett, Stille and Young introduced

**Senate Bill No. 1110, entitled**

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

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

Senators Goschka and Gougeon introduced

**Senate Bill No. 1111, entitled**

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

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

Senators Schwarz, Young and Johnson introduced

**Senate Bill No. 1112, entitled**

A bill to make appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal years ending September 30, 2002 and September 30, 2003; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2003; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

Senators Bennett and Young introduced

**Senate Bill No. 1113, entitled**

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

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

Senator North introduced

**Senate Bill No. 1114, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2003; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senators Hoffman and North introduced

**Senate Bill No. 1115, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal years ending September 30, 2002 and September 30, 2003; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Senators Hoffman and North introduced

**Senate Bill No. 1116, entitled**

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

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

Senators Hoffman and Young introduced

**Senate Bill No. 1117, entitled**

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

of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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

Senators Scott, Young, Byrum, Peters and Leland introduced

**Senate Bill No. 1118, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9162. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator McCotter introduced

**Senate Bill No. 1119, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16621 (MCL 333.16621), as amended by 2000 PA 160.

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

Senators Hart, Dingell, Young and McManus introduced

**Senate Bill No. 1120, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21789. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Bullard introduced

**Senate Bill No. 1121, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16261, 16401, and 16411 (MCL 333.16261, 333.16401, and 333.16411).

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

**House Bill No. 4338, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81129 and 81130 (MCL 324.81129 and 324.81130), as added by 1995 PA 58.

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

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

**House Bill No. 4990, entitled**

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 9a (MCL 388.1009a), as amended by 1983 PA 240.

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 Education.

**House Bill No. 5400, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 5208 (MCL 500.5208), as amended by 1984 PA 267, and by adding section 407a.

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 Financial Services.

**House Bill No. 5497, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 51a, 209, 303, and 314 (MCL 257.51a, 257.209, 257.303, and 257.314), section 303 as amended by 2001 PA 159 and section 314 as amended by 2000 PA 173.

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

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

**Committee Reports**

The Committee on Finance reported

**Senate Bill No. 835, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 15 (MCL 125.1815), as amended by 1996 PA 271.

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.

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 860, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 12 and 16 (MCL 125.1662 and 125.1666), section 12 as amended by 1983 PA 86 and section 16 as amended by 1996 PA 269.

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.

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 861, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 14 (MCL 125.2164), as amended by 1996 PA 270.

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.

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 975, entitled**

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions," by amending section 17 (MCL 46.367), as amended by 1983 PA 177.

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 G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 1060, entitled**

A bill to repeal 1870 (Ex Sess) PA 5, entitled "An act to authorize the introduction of water into, and the construction or purchase of hydraulic works in the cities and villages in the state of Michigan," (MCL 123.111 to 123.130).

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1061, entitled**

A bill to repeal 1923 PA 60, entitled "An act to authorize the board of supervisors of any county of this state, severally, or in conjunction with the legislative body or board of any 1 or more cities or villages having a population in excess of 5,000 according to the last official census to establish and operate a public agricultural produce market or markets or sell, exchange or abandon the same," (MCL 46.101 to 46.104).

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1062, entitled**

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

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 G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 1063, entitled**

A bill to amend 1981 PA 97, entitled "Michigan municipal distributable aid bond act," by amending section 10 (MCL 141.1030), as amended by 1987 PA 281; and to repeal acts and parts of acts.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1064, entitled**

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending sections 12, 21, and 33 (MCL 141.1212, 141.1221, and 141.1233), section 33 as amended by 1992 PA 265.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1067, entitled**

A bill to amend 1971 PA 182, entitled "An act to permit a city or village owning and operating a public utility to borrow money for a term not to exceed 5 years for the purpose of purchasing, acquiring, constructing, improving, enlarging, extending or repairing the facilities of the public utility; to issue notes or other evidences of indebtedness therefor; to repay such borrowing from the revenues of the utility; to permit the pledging or assignment of bonds or other securities or evidences of debt held as investments for said public utility to secure such borrowings; and to provide other powers, rights and duties," by amending sections 1 and 2 (MCL 460.461 and 460.462), section 2 as amended by 1983 PA 121.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1068, entitled**

A bill to repeal 1919 PA 325, entitled "An act to authorize and empower cities to own and acquire land, by gift, purchase, condemnation, or otherwise, for the erection of memorials to soldiers and sailors; to authorize the erection of such memorials and determine the character thereof; to provide for the appropriation of money for the acquisition, erection and maintenance thereof, for the assessment, levy and collection of taxes, the borrowing of money, and the issuing of bonds therefor, and for the custody, control and management of such memorials," (MCL 35.871 to 35.873).

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Finance reported  
**Senate Bill No. 1069, 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.

With the recommendation that the bill pass.

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

Joanne G. Emmons  
 Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported  
**Senate Bill No. 1070, entitled**

A bill to repeal 1911 PA 228, entitled "An act to authorize the boards of supervisors of the several counties in this state to borrow money, and issue bonds therefor, for the purchase of land and improve the same by the erection of buildings and other improvements thereon or for the purpose of improving and erecting buildings upon lands already purchased and held by said county to be used for the purpose of holding thereon fairs and exhibitions of an agricultural character," (MCL 46.111).

With the recommendation that the bill pass.

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

Joanne G. Emmons  
 Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported  
**Senate Bill No. 1071, entitled**

A bill to repeal 1911 PA 26, entitled "An act to legalize the proceedings taken by any village in the state of Michigan, incorporated under Act No. 3 of the Public Acts of 1895, as amended, authorizing the issuance of bonds for the purpose of securing an additional water supply and extending the municipal lighting plant of any such village," (MCL 79.1 to 79.2).

With the recommendation that the bill pass.

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

Joanne G. Emmons  
 Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported  
**Senate Bill No. 1072, entitled**

A bill to repeal 1925 PA 209, entitled "An act to authorize any incorporated village having a population of 1,000 or less, which may be the county seat of any county in this state, to borrow money, and issue bonds therefor, for the purpose of buying or building a courthouse or jail or both for said county in such village, upon approval of the electors of said village," (MCL 79.41 to 79.43).

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1073, entitled**

A bill to amend 1929 PA 312, entitled "The metropolitan district act," by amending sections 4 and 5 (MCL 119.4 and 119.5).

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1074, entitled**

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

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1076, entitled**

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending section 19 (MCL 124.669), as amended by 1998 PA 373.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1080, entitled**

A bill to amend 1987 PA 204, entitled "Low-level radioactive waste authority act," by amending section 20a (MCL 333.26220a).

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 G. Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 1081, entitled**

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

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1083, entitled**

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

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1084, entitled**

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

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 G. Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

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 submitted the following:

Meeting held on Tuesday, February 12, 2002, at 1:05 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

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

Excused: Senator Peters

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Tuesday, February 12, 2002, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schwarz (C), McManus, Hoffman, Koivisto and Smith

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Tuesday, February 12, 2002, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Gast and Koivisto

**Scheduled Meetings**

**Appropriations** - Tuesday, February 19, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Subcommittees -**

**Community Colleges** - Wednesday, February 20, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Community Health** - Tuesday, February 21, 1:30 p.m. and Monday, March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

**Corrections** - Wednesdays, February 20 and February 27, 1:00 p.m., Room 100, Farnum Building, and Tuesday, March 5, 1:00 p.m., Room 210, Farnum Building (373-2413)

**Environmental Quality** - Tuesdays, February 19, 3:00 p.m. or later immediately following the Senate Appropriations Committee meeting; February 26 and March 5, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

**Higher Education** - Friday, February 15, 10:00 a.m., Saginaw Valley State University, 7400 Bay Road, Curtiss Hall, Emeriti Room, University Center; Friday, February 22, 9:30 a.m., Oakland University, Library Drive, 242 Elliott Hall, Rochester; Friday, March 1, 10:00 a.m., Calvin College, 3201 Burton S.E., Hekman Library, Meeter Center Lecture Hall, Grand Rapids; and Friday, March 8, 9:30 a.m., University of Michigan-Ann Arbor, 909 S. University Drive, William L. Clements Library, Ann Arbor (373-3447)

**Natural Resources** - Wednesdays, February 20, February 27 and March 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**School Aid and Department of Education** - Wednesday, February 20, 2:00 p.m.; Tuesdays, February 26 and March 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

**Banking and Financial Institutions** - Thursday, February 14, 9:00 a.m., Room 210, Farnum Building (373-2420)

**Farming, Agribusiness and Food Systems** - Wednesday, February 20, 1:00 p.m., Room 405, Capitol Building (373-1725)

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, February 14, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.