

No. 20
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, March 6, 2002.

10:00 a.m.

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

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

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

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

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

Senator Valde Garcia of the 26th District offered the following invocation:

Our Heavenly Father, we thank You for the day that You've given to us. We thank You for all the things that we take for granted. Lord, we just pray that You'll be with those who are less fortunate.

Today, Lord, we ask for wisdom and tolerance and understanding of one another. Help us and guide us through the decisions that we have to make.

Today, Lord, we ask that You'll guide and provide wisdom for our leaders in Washington: our congressmen and women and our President. Also be with our soldiers who right now are fighting for our country. Be with them, watch over them, protect them, and help them in all the things that they go through.

For it's in Jesus' name we pray. Amen.

Senators Goschka, Van Regenmorter, Hammerstrom and Cherry entered the Senate Chamber.

Motions and Communications

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

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

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 5:
House Bill Nos. 5540 5662 5663 5666 5668 5669

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 5, for his approval the following bills:

Enrolled Senate Bill No. 180 at 4:10 p.m.

Enrolled Senate Bill No. 1029 at 4:12 p.m.

Enrolled Senate Bill No. 592 at 4:14 p.m.

Enrolled Senate Bill No. 692 at 4:16 p.m.

Enrolled Senate Bill No. 796 at 4:18 p.m.

Enrolled Senate Bill No. 797 at 4:20 p.m.

Enrolled Senate Bill No. 798 at 4:22 p.m.

Enrolled Senate Bill No. 799 at 4:24 p.m.

Enrolled Senate Bill No. 800 at 4:26 p.m.

Enrolled Senate Bill No. 801 at 4:28 p.m.

The Secretary announced the enrollment printing, certification and filing with the Secretary of State on Tuesday, March 5, of the following joint resolution:

Enrolled Senate Joint Resolution T at 3:33 p.m.

Senator Schuette entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 451

Senate Bill No. 452

The motion prevailed.

House Bill No. 5026, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 231a (MCL 750.231a).
Substitute (H-4).

The question being on concurring in the House substitute made to the Senate substitute,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 259**Yeas—33**

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

Nays—0**Excused—4**

DeGrow	Murphy	Scott	Vaughn
--------	--------	-------	--------

Not Voting—1

Hoffman

In The Chair: President

Senator Murphy entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Cherry as Chairperson.

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

House Bill No. 4860, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43524 (MCL 324.43524), as amended by 1996 PA 585.

House Bill No. 5585, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 6013 (MCL 600.6013), as amended by 2001 PA 175.

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 amendment, the following bill:

House Bill No. 4937, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43532 (MCL 324.43532), as amended by 1996 PA 585.

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

1. Amend page 2, line 13, after "\$2.00." by striking out the balance of the line through "license." on line 14.

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. 4874, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2000 PA 88.

Substitute (S-1).

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

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

House Bill No. 5125, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 360a.

Substitute (S-1).

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

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

House Bill No. 5126, 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.

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. 686, entitled

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

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.

Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

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

Senate Resolution No. 181

Senate Resolution No. 182

The resolution consent calendar was adopted.

Senator Sikkema offered the following resolution:

Senate Resolution No. 181.

A resolution to commemorate the Twenty-fifth Anniversary of the Michigan Sea Grant Partnership between Michigan State University and the University of Michigan in Great Lakes science and education and declaring the week of April 15, 2002, as Michigan Sea Grant Week.

Whereas, The Great Lakes are Michigan's greatest natural resource. These incomparable bodies of fresh water present innumerable opportunities and challenges for Michigan. One of the most significant opportunities for those living in the Great Lakes State of Michigan is to live in harmony within this ecosystem. Therefore, it is critical for people to develop an understanding of the Great Lakes and make a commitment to preserve and enhance the Lakes; and

Whereas, For the past twenty-five years, the University of Michigan and Michigan State University have worked cooperatively to contribute to the body of scientific knowledge of the Great Lakes and to convey this knowledge to Michigan citizens, stakeholders, and others; and

Whereas, The knowledge developed through Michigan Sea Grant research and the application of this science to many communities throughout the state have saved hundreds of millions of dollars, contributed to economic health, and helped to restore environmental integrity. The outreach efforts of Michigan Sea Grant Extension Agents have helped to protect the public health, produced techniques for saving shoreline properties, and promoted the health of our commercial and recreational fisheries; and

Whereas, The education efforts of Michigan Sea Grant Extension Agents and communications specialists have introduced thousands of primary and university students to the wonder of the Great Lakes. It has also promoted a greater understanding of the most important resource in the state of Michigan among the citizens and stakeholders of the state; now, therefore, be it

Resolved by the Senate, That we hereby commemorate Michigan Sea Grant's twenty-five years of cooperative contributions of the University of Michigan and Michigan State University to the Great Lakes ecosystem by declaring the week of April 15, 2002, Michigan Sea Grant Week; and be it further

Resolved, That we recognize the vital importance and significant advancements of the Michigan Sea Grant College Program, a partnership of Michigan State University and the University of Michigan to expand the state's Great Lakes opportunities and to help exceed our challenges; and be it further

Resolved, That a copy of this resolution be transmitted to Michigan State University and the University of Michigan as a token of our support of their efforts.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Hart, Dingell, Stille, Koivisto, DeBeaussaert and Miller offered the following resolution:

Senate Resolution No. 182.

A resolution to celebrate and honor the distinguished career of broadcasting legend Ernie Harwell.

Whereas, After sixty-three years of broadcasting baseball, forty-two of those with the Detroit Tigers, Ernie Harwell and his famous melodious voice have decided to retire; and

Whereas, For sixty-one years, his wife Lulu has graciously shared her husband Ernie with millions of baseball fans; and

Whereas, In addition to faithfully serving the community, Ernie Harwell steadfastly and courageously served his country in the United States Marine Corps; and

Whereas, Ernie Harwell not only leaves a tremendous legacy as a broadcaster, but also as an author and songwriter; and

Whereas, Mothers and fathers have grown up listening to Ernie Harwell and have introduced him and his love of the game to their children, a new generation of Detroit Tiger baseball fans; and

Whereas, Ernie Harwell called some of the most historic moments in baseball, including Bobby Thompson's game-winning home run, known as "The Shot Heard 'Round the World" in the 1951 playoff game between the New York Giants and the Brooklyn Dodgers; and

Whereas, Aside from broadcasting for the Detroit Tigers, Ernie Harwell successfully announced for other major league greats such as the Brooklyn Dodgers, New York Giants, and Baltimore Orioles; and

Whereas, Ernie Harwell's knowledge of the game and excellence in broadcasting was recognized by his induction into the Baseball Hall of Fame in 1981; and

Whereas, Even after he has retired, countless Tiger baseball fans will still begin each season remembering Ernie's signature opening day recitation of the "Song of the Turtle," and will continue to say Ernie's legendary "long gone" with every Tiger home run; now, therefore, be it

Resolved by the Senate, That we celebrate and honor the distinguished career of broadcasting legend Ernie Harwell; and be it further

Resolved, That a copy of this resolution be transmitted to Ernie and Lulu Harwell and the Detroit Tigers organization as a symbol of our appreciation and gratitude for his distinguished career and the high esteem in which he is held by the Michigan Senate.

Introduction and Referral of Bills

Senator Hart introduced

Senate Bill No. 1189, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 313 (MCL 257.313), as amended by 1991 PA 99.

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

Senator Hart introduced

Senate Bill No. 1190, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 309 (MCL 257.309), as amended by 2000 PA 456.

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

Senator Hart introduced

Senate Bill No. 1191, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended by 1995 PA 287, and by adding sections 520a and 801j.

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

Senator Hart introduced

Senate Bill No. 1192, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101a (MCL 500.3101a), as amended by 1996 PA 456.

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

Senators Schwarz, Shugars, Johnson, Byrum, Emerson and North introduced

Senate Bill No. 1193, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 111k, 111l, 111m, 111n, 111o, 111p, 111q, and 111r.

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

House Bill No. 5540, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 16 (MCL 567.236).

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

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

House Bill No. 5662, entitled

A bill to amend 1927 PA 375, entitled "An act to provide for the collection of past due moneys and accounts belonging to the state of Michigan; to create a department therefor; to prescribe the duties of state officers, departments, commissions and institutions in relation thereto; and to make appropriations for defraying the expenses thereof," by amending section 3 (MCL 14.133).

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

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

House Bill No. 5663, entitled

A bill to repeal 1879 PA 200, entitled "An act requiring certain state officers to give bonds before entering upon their official duties," (MCL 15.41); 1948 (2nd Ex. Sess) PA 1, entitled "An act to provide for the payment of compensation of the governor, secretary of state, state treasurer, auditor general and attorney general; and to repeal certain acts and parts of acts," (MCL 15.201 to 15.202); and section 3 of 1861 PA 111, entitled "An act relating to deposit accounts, and to interest, exchange and commissions received or paid by the state treasurer," (MCL 21.183).

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

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

House Bill No. 5666, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 12a (MCL 28.12a).

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

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

House Bill No. 5668, entitled

A bill to amend 1931 PA 246, entitled "An act to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges," by amending section 10 (MCL 41.280).

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

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

House Bill No. 5669, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 82 (MCL 51.82).

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

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

Scheduled Meetings

Appropriations - Tuesday, March 12, and Wednesday, March 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Community Health - Thursday, March 7, 9:00 a.m., Room 110, Farnum Building; and Monday, March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

General Government - Tuesdays, April 9, April 16, April 23 and April 30, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Higher Education - Friday, March 8, 9:30 a.m., University of Michigan-Ann Arbor, 909 S. University Drive, William L. Clements Library, Ann Arbor (373-3447)

Judiciary - Wednesdays, April 10, April 17 and April 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Banking and Financial Institutions - Thursday, March 7, 8:30 a.m., Room 210, Farnum Building (373-2420)

Michigan Capitol Committee - Tuesday, March 12, 12:00 noon, Room 404, Capitol Building (373-0289)

Senior Citizens and Veterans Affairs - Thursday, March 7, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:26 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate.

