

No. 22
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Tuesday, March 12, 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 not present.

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

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

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

Senator Beverly S. Hammerstrom of the 17th District offered the following invocation:

This morning let us reflect upon the words of one of the many prayers of St. Patrick, the patron saint of Ireland:

“May the strength of God pilot us.

May the power of God preserve us.

May the wisdom of God instruct us.

May the hand of God protect us.

May the way of God direct us.

May the shield of God defend us.

And may the host of God guard us against the snares of the evil one and against the temptations of the world.”

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:06 a.m.

10:56 a.m.

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

During the recess, Senators Leland, Goschka, Smith, McManus, Johnson, Shugars, Dunaskiss, Sikkema, Emerson, McCotter, Gast, Schuette, Gougeon, Garcia, Steil, Bullard, Sanborn, Stille, Van Regenmorter, Bennett, North and DeGrow entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

Senate Bill No. 1007

The motion prevailed.

Senator Cherry moved that his name be removed as sponsor of the following bill:

Senate Bill No. 1007

The motion prevailed.

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

The motion prevailed.

Senator Emerson moved that Senator Vaughn be excused from this week’s sessions.

The motion prevailed.

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

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

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

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:58 a.m.

11:25 a.m.

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

During the recess, Senators Young, Scott and Smith and Representative Hardman introduced to the Senate Marcus Belgrave, renowned jazz/trumpet player of Detroit and Myles Tate III, a keyboard accompanist from the Music Department at Michigan State University.

Messrs. Belgrave and Tate rendered several musical selections.

Senator Young presented Mr. Belgrave with the Great Seal of the state of Michigan and Mr. Tate with a Certificate of Excellence.

Messrs. Belgrave and Tate responded briefly.

The following communication was received:
Office of the Auditor General

March 7, 2002

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

Finance Audit of the Transition in the Office of the State Treasurer, Department of Treasury as of April 30, 2001.

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

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

February 25, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:00 a.m. this date, administrative rule (02-02-02) for the Department of Agriculture, Agriculture Development Division, entitled "*Value-Added Agriculture Processing and Agricultural Production Ventures*," effective 7 days hereafter.

February 27, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:15 p.m. this date, administrative rule (02-02-03) for the Department of Consumer and Industry Services, Director's Office, entitled "*OH Standard Rule 6610 - Medical Services and First Aid*," effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 7:
House Bill Nos. 4667 5600 5601 5661

The Secretary announced the printing and placement in the members' files on Thursday, March 7, of:

Senate Bill Nos. 1167 1168 1169 1170 1171 1172 1173 1174 1175 1176 1177 1178 1179 1180
1181 1182 1183 1184 1185 1186 1187 1188 1189 1190 1191 1192 1193
House Bill Nos. 5769 5770 5771 5772 5773 5774
House Joint Resolution V

The Secretary announced the printing and placement in the members' files on Friday, March 8, of:

Senate Bill No. 1194
House Bill Nos. 5775 5776 5777 5778 5779

Messages from the Governor

The following messages from the Governor were received:

Date: March 7, 2002

Time: 11:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 493 (Public Act No. 32), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” by amending section 1242 (MCL 500.1242).

(Filed with the Secretary of State on March 7, 2002, at 2:05 p.m.)

Date: March 7, 2002

Time: 12:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 541 (Public Act No. 35), being

An act to amend 1945 PA 327, entitled “An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state and by political subdivisions; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics,” by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 51, 83, 86, 87, 89, 133, 151, and 205 (MCL 259.2, 259.3, 259.4, 259.5, 259.6, 259.7, 259.8, 259.9, 259.51, 259.83, 259.86,

259.87, 259.89, 259.133, 259.151, and 259.205), sections 2, 3, 4, 5, 6, 7, 8, 51, 83, 86, and 133 as amended by 1996 PA 370, sections 9 and 151 as amended by 2000 PA 382, and section 89 as amended by 1998 PA 81, and by adding sections 80g, 80h, 83a, 83b, 87a, 89a, 205a, and 205b; and to repeal acts and parts of acts.

(Filed with the Secretary of State on March 7, 2002, at 2:11 p.m.)

Date: March 7, 2002

Time: 1:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 604 (Public Act No. 37), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” by amending sections 2468 and 2662 (MCL 500.2468 and 500.2662).

(Filed with the Secretary of State on March 7, 2002, at 2:15 p.m.)

Date: March 7, 2002

Time: 1:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 605 (Public Act No. 38), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and

affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 3114 (MCL 500.3114), as amended by 1984 PA 372.

(Filed with the Secretary of State on March 7, 2002, at 2:17 p.m.)

Respectfully,
John Engler
Governor

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.

Senate Bill No. 543, entitled

A bill to amend 1915 PA 312, entitled "Garage keeper's lien act," by amending sections 2, 3, 4, 5, and 6 (MCL 570.302, 570.303, 570.304, 570.305, and 570.306), sections 2 and 3 as amended and sections 4, 5, and 6 as added by 1998 PA 236, and by adding section 10.

Substitute (H-1).

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

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

Roll Call No. 268

Yeas—36

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

Nays—0

Excused—2

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 678, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 1999 PA 117.
The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 730, entitled

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending sections 1, 4, and 5 (MCL 780.651, 780.654, and 780.655), section 1 as amended by 1990 PA 43.

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 amended the title to read as follows:

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending sections 4 and 5 (MCL 780.654 and 780.655).

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

Senate Bill No. 936, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 19f of chapter VII (MCL 767.19f).

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 18, by inserting:

"Enacting section 1. This amendatory act takes effect May 1, 2002." and renumbering the remaining enacting section.

The House of Representatives has passed the bill as amended, 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. 940, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 19, by inserting:

"(ix) A VEHICLE, LOCOMOTIVE OR RAILROAD CAR, AIRCRAFT, OR WATERCRAFT USED TO PROVIDE TRANSPORTATION SERVICES TO THE PUBLIC OR TO PROVIDE FOR THE MOVEMENT OF GOODS IN COMMERCE." and renumbering the remaining subparagraphs.

2. Amend page 2, following line 26, following sub-subparagraph (B), by inserting:

"Enacting section 1. This amendatory act takes effect May 1, 2002." and renumbering the remaining enacting section.

The House of Representatives has passed the bill as amended, 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. 943, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 7c (MCL 480.17c), as amended by 2000 PA 298.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 20, by inserting:

“Enacting section 1. This amendatory act takes effect May 1, 2002.”.

The House of Representatives has passed the bill as amended, 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. 994, entitled

A bill to amend 1955 PA 133, entitled “An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States,” by amending section 3 (MCL 32.273).

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

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

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

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

Senate Bill No. 1005, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 21513 (MCL 333.21513), as amended by 1993 PA 79.

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

Third Reading of Bills

Senator Emmons moved that the following bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 749

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 749, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending sections 451, 455, 459, 461, 465, 469, and 479 (MCL 550.1451, 550.1455, 550.1459, 550.1461, 550.1465, 550.1469, and 550.1479), as added by 1994 PA 40, and by adding sections 480 and 480a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 269**Yeas—36**

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

Nays—0

Excused—2

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator DeBeaussiaert 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. 5145, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9307 (MCL 324.9307), as amended by 1998 PA 463.

House Bill No. 5270, entitled

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 780.651), as amended by 1990 PA 43.

House Bill No. 5495, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

House Bill No. 5520, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 22 of chapter XVII (MCL 777.22), as amended by 2000 PA 279.

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. 965, entitled

A bill to amend 1933 PA 94, entitled “The revenue bond act of 1933,” by amending sections 3, 12, 16, 22, 24, 26, 27, 28, and 30 (MCL 141.103, 141.112, 141.116, 141.122, 141.124, 141.126, 141.127, 141.128, and 141.130), section 3 as amended by 1992 PA 305, sections 12 and 27 as amended by 1985 PA 26, sections 16, 28, and 30 as amended by 1983 PA 76, and section 24 as amended by 1988 PA 228.

Substitute (S-3).

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. 5504, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 312f, 319b, and 732 (MCL 257.307, 257.312f, 257.319b, and 257.732), section 307 as amended by 2001 PA 159, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, and section 732 as amended by 2001 PA 134.

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

1. Amend page 32, following line 7, by inserting:

"Sec. 806. (1) A fee of \$10.00 shall accompany each application for a certificate of title required by this act or for a duplicate of a certificate of title. An additional fee of \$5.00 shall accompany an application if the applicant requests that the application be given special expeditious treatment.

(2) A fee of \$10.00 shall accompany an application for a special identifying number as provided in section 230.

(3) In addition to paying the fees required by subsection (1), until ~~April 1, 2002~~, MARCH 31, 2003, each person who applies for a certificate of title, a salvage vehicle certificate of title, or a scrap certificate of title under this act shall pay a tire disposal surcharge of 50 cents for each certificate of title or duplicate of a certificate of title that person receives. The secretary of state shall deposit money it receives under this subsection into the scrap tire regulatory fund created in section 16908 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16908."

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.

Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

House Concurrent Resolution No. 48.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

House Concurrent Resolution No. 55.

A concurrent resolution to urge the United States Forest Service to conduct or authorize an on-site excavation and testing to determine if illegal dumping of hazardous material took place at the former Raco missile site in the Hiawatha National Forest in Chippewa County.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the President and the Congress of the United States to support the addition of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

(For text of resolution, see Senate Journal No. 8 of 2001, p. 95.)

The House of Representatives has adopted the concurrent resolution and named Reps. Toy, Lipsey, Richardville, Julian, DeWeese, Raczkowski, Pappageorge, Rocca, Gielegghem, Bishop, Faunce, Birkholz, Bogardus, Richner, Ehardt, Garcia, Jacobs and Shulman as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Young's statement is as follows:

Thank you for joining me in extending a warm welcome to Marcus Belgrave, the esteemed trumpeter and a senior statesman of jazz, and with him Myles Tate, a 22-year-old future star of the jazz world. We are truly honored to have them perform in our presence. We have been witnesses to a rare moment, and he is someone who was a crucial performer at the creation of the art form and someone who will carry this message to future generations.

As many of you know, the African-American community has made significant contributions to every aspect of life: entertainment, economics, cuisine, athletics, literature, mathematics, science—you cannot turn to a page without an American or African-American touch. There is diversity within the African-American community and much of contemporary life demonstrates that too.

Like the whole American society, there are generational differences and similarities. Today, as we bridge two important generations of jazz, we recognize that music can also unite different generations of Americans. The musicians who influenced Mr. Belgrave became the foundation of his voice, and in turn, Mr. Belgrave influenced Wynton Marsalis, who in turn, has been an influence on the young Mr. Tate, who has performed with Wynton Marsalis.

We do not yet know what accolades will follow Mr. Tate's name in the future, but we know that he will be acclaimed as a Michigan State University alumnus, as an inheritor of a great tradition and quite possibly as the man who kept jazz alive as a vibrant art form for generations of all of our grandchildren and great-grandchildren and great-great-grandchildren.

Today's performance allowed us to celebrate the heritage we share as Americans of all ages and of all ethnicities. Unique to American life, jazz music has its roots in old-time spirituals and has been infused with the energy of the booming industrial economy of the early and middle 20th century. It represents not only great artists, most of whom are African American, but the upbeat, vibrant personality of the character of the United States. Jazz is the song of the Yanks who won two world wars, who rebuilt Europe with the Marshall Plan, and who gave the world a new standard of living.

Jazz is who we are as Americans, especially the Americans who put the world on wheels—the Wayne County individuals and Michiganians. It is especially important to celebrate the jazz voices as we note the confluence of several significant events: the recent close of Black History Month, the passing last week of Dr. Charles H. Wright, the Detroit doctor who turned collecting African and African-American art into an international passion, the six-month anniversary of a tragic event which made us rethink what it means to be an American, and of course, the profound connection between Mr. Belgrave and Mr. Tate.

It has been an unequaled honor today to present to you the two men of diverse backgrounds who speak through the universal and unique voice of America, Mr. Marcus Belgrave and Mr. Myles Tate III.

I thank you, colleagues, for your gracious welcome to Mr. Belgrave and Mr. Tate.

We thank you, gentlemen, for the privilege of listening to the best of the music style which unites us as Americans.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Smith, Peters, DeBeaussiaert, Murphy, Emerson, Young, Dingell, Leland and Scott introduced

Senate Bill No. 1195, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 375 (MCL 380.375), as added by 1999 PA 10.

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

Senators Hammerstrom, Sikkema, DeBeaussiaert, Byrum, North, Johnson, Gast, Stille, Van Regenmorter, Sanborn, Goschka and Garcia introduced

Senate Bill No. 1196, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 63101, 63103b, 63103d, and 63103e (MCL 324.63101, 324.63103b, 324.63103d, and 324.63103e), section 63101 as amended and sections 63103b, 63103d, and 63103e as added by 1997 PA 149, and by adding sections 63103f, 63103g, 63103h, 63103i, 63103j, 63103k, and 63109.

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

Senators Sikkema, North, Byrum, DeBeaussiaert, Hammerstrom, Johnson, Gast, Stille, Van Regenmorter, Sanborn and Goschka introduced

Senate Bill No. 1197, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 328; 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 Natural Resources and Environmental Affairs.

Senators Byrum, North, Sikkema, DeBeaussaert, Hammerstrom, Johnson, Gast, Sanborn and Goschka introduced
Senate Bill No. 1198, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 32807, 32808, 32809, 32810, 38211, 32812, and 32814.

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

Senators North, Sikkema, Byrum, DeBeaussaert, Hammerstrom, Johnson, Gast, Stille, Van Regenmorter, Sanborn, Goschka and Garcia introduced

Senate Bill No. 1199, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32804.

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

Senators DeBeaussaert, North, Sikkema, Byrum, Johnson, Gast, Stille, Van Regenmorter, Hammerstrom, Sanborn and Goschka introduced

Senate Bill No. 1200, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32813.

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

Senator Bullard introduced

Senate Bill No. 1201, entitled

A bill relative to the reporting of the issuance of certain debt and securities; to prescribe powers and duties of certain departments, agencies, officials, and employees; to impose certain duties; and to authorize the issuance and refunding of certain debt and securities.

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

House Bill No. 4667, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

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

House Bill No. 5600, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479 (MCL 750.479).

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

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

House Bill No. 5601, 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.

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

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

House Bill No. 5661, entitled

A bill to amend 1897 PA 153, entitled "An act to provide for the payment of expenses in matters in which the state is a party or interested," by amending section 1 (MCL 14.111); and to repeal acts and parts of acts.

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

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

Recess

Senator Emmons moved that the Senate recess until 12:30 p.m.
The motion prevailed, the time being 12:01 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:31 p.m.

1:02 p.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the rules be suspended and that the following bill, now on Committee Reports, be placed at the head of the General Orders calendar for consideration today:

House Bill No. 5732

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

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator DeBeaussiaert 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 that it had under consideration the following bill and had reached no final resolution thereon:

House Bill No. 5732**Committee Reports**

The Committee on Transportation and Tourism reported

Senate Bill No. 1000, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 252a (MCL 257.252a), as amended by 2000 PA 306.

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

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: Senator Hart

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

The Committee on Transportation and Tourism reported
Senate Resolution No. 172.

A resolution to memorialize the Congress of the United States to support federal assistance, through the Transportation Efficiency Act, for the Village of Holly/Rose Township Michigan Highway-Rail Life Safety Access Project.

(For text of resolution, see Senate Journal No. 16, p. 399.)

With the recommendation that the resolution be adopted.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, North, Leland and Hart

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Transportation and Tourism reported

House Bill No. 5021, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2001 PA 103.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: Senator Hart

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5108, entitled

A bill to protect certain rights that public employees have in retirement benefits under certain circumstances; and to prescribe the powers and duties of certain retirement systems, state departments, courts, public officials, and public employees.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5109, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 31, 40, and 69 (MCL 38.31, 38.40, and 38.69), section 31 as amended by 1998 PA 205, section 40 as amended by 1991 PA 48, and section 69 as added by 1996 PA 487.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5110, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 46 and 85 (MCL 38.1346 and 38.1385), section 46 as amended by 1991 PA 47 and section 85 as amended by 1998 PA 213.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5111, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending sections 6 and 9 (MCL 38.556 and 38.559), as amended by 1991 PA 54.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5112, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 308, 506, and 720 (MCL 38.2308, 38.2506, and 38.2670), section 506 as amended by 1999 PA 215 and section 720 as added by 1996 PA 523.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5113, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 43 (MCL 38.1643), as amended by 1991 PA 53.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5114, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 57 and 80 (MCL 38.1057 and 38.1080), section 57 as amended by 1995 PA 258 and section 80 as added by 1996 PA 486.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5732, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 1d, 5, 11, 13, 19, 20, 20d, 21, 24, 33, 38, 46, 48, 49, and 52 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.33, 38.38, 38.46, 38.48, 38.49, and 38.52), section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 11 and 13 as amended and section 52 as added by 1996 PA 487, section 19 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, and section 48 as added by 1990 PA 110, and by adding section 19g.

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.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 6, 2002, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Excused: Senator Gougeon

The Committee on Banking and Financial Institutions reported

Senate Bill No. 1007, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 514.

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.

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Goschka, Steil, Miller and Scott

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 Banking and Financial Institutions submitted the following:

Meeting held on Thursday, March 7, 2002, at 8:35 a.m., Room 210, Farnum Building

Present: Senators Garcia (C), Shugars, Goschka, Steil, Miller and Scott

Excused: Senator Vaughn

The Committee on Senior Citizens and Veterans Affairs reported

House Bill No. 5501, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending sections 105, 179, and 310 (MCL 32.505, 32.579, and 32.710), sections 105 and 179 as amended by 1998 PA 212 and section 310 as amended by 1990 PA 301, and by adding section 372a.

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.

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Goschka and Garcia

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 Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Thursday, March 7, 2002, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Goschka and Garcia

Excused: Senators Hart and Vaughn

The Committee on Judiciary reported

Senate Bill No. 1013, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2 of chapter XI (MCL 771.2), as amended by 1998 PA 520, and by adding section 4b to chapter XI.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Peters and Dingell

Nays: Senators McCotter and Schuette

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

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Wednesday, March 6, 2002, at 12:00 noon, Room H-252, Capitol Building

Present: Senators McManus (C), Emerson and Schwarz

COMMITTEE ATTENDANCE REPORT

The Subcommittee on the Career Development Strategic Fund Agency submitted the following:

Meeting held on Wednesday, March 6, 2002, at 4:15 p.m., Room 210, Farnum Building

Present: Senators Johnson (C), Stille and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submitted the following:

Meeting held on Thursday, March 7, 2002, at 9:20 a.m., Room 100, Farnum Building

Present: Senators Schwarz, Johnson, Smith and Murphy

Excused: Senator Gougeon (C)

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Friday, March 8, 2002, at 9:30 a.m., University of Michigan, Clements Library, 909 S. University Drive, Ann Arbor

Present: Senators Schwarz (C) and Smith

Excused: Senators McManus, Hoffman and Koivisto

Scheduled Meetings**Appropriations -****Subcommittees -**

Family Independence Agency - Tuesdays, April 9 and April 23, 1:00 p.m., Room 210, Farnum Building; and Thursdays, April 11 and April 18, 1:00 p.m., Room 110, Farnum Building (373-1760)

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)

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

Natural Resources - Wednesday, March 13, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Banking and Financial Institutions - Thursday, March 14, 8:30 a.m., Room 210, Farnum Building (373-2420)

Farming, Agribusiness and Food Systems - Wednesday, March 13, 1:00 p.m., Room 405, Capitol Building (373-1725)

Finance - Wednesday, March 13, 12:30 p.m., Room 110, Farnum Building (373-3760)

Judiciary - Wednesday, March 13, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Technology and Energy - Wednesday, March 13, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 1:32 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 13, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.