

No. 36
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, April 25, 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—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—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Leon Stille of the 32nd District offered the following invocation:

Dear God, as we gather this morning on this bright, crisp, spring morning, we give thanks to You not only for the sunshine, but for the sunshine of these young faces that are with us this morning. We give thanks to You for their presence. We hope that it will be a meaningful day for them.

Keep us mindful and considerate of those with needs and struggling daily in our great state. Give us a measure of compassion, a sense of fairness, and a degree of compromise to lead us to decisions in the best interest of all of our citizens of Michigan. We are grateful for the bounty that You have blessed us with, and we acknowledge Your presence in our work. In Jesus' name we pray. Amen.

Motions and Communications

Senator Emmons moved that Senators Bennett, Dunaskiss, Goschka, Hammerstrom and Johnson be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senators Dunaskiss, Goschka and Emerson entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Schwarz, Miller, Sanborn, Cherry and Hart asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schwarz's statement is as follows:

There are several things to observe this morning. First, 49 years ago today, Senator Walter North of Battle Creek, Michigan, married his high school sweetheart from Battle Creek Central, Sally Greensmith from Battle Creek, Michigan. Today is Senator North's 49th wedding anniversary. Senator North and Sally—both of whom are long, longtime friends of mine—our very, very best to you on your 49th anniversary.

Secondly, today is a signal event for another member of the body who 25 years ago today was sworn into the Michigan Senate. He was a council president and vice president in Warren, Minority Leader of this body, a dedicated husband and father, and a friend to everybody—I can say that absolutely and positively, a friend to everyone in this chamber. I know that the members and staff join me in congratulating Senator Art Miller on 25 years of distinguished, continuous service to the Senate and to the people of the state of Michigan. Congratulations, Art!

Senator Miller's statement is as follows:

Where'd all the time go? When you're having fun—and, believe me, this job is a lot of hard work, like all of you know. It brings back a lot of great memories, and I have served here with a lot of great people. Not only myself, but the great staff I was blessed with served with so many distinguished people. In fact, this morning at breakfast, I was joking with the Governor a little bit. And, in fact, two great people used to sit in this seat who I served with. Jack Faxon, who a lot of you know, was really Mr. Education, and a fellow we talked about in the Senate Chamber, Bill Fitzgerald. When I came here, Bill had just gotten kicked out as being the Democratic Leader, but he was a great young man, and he's still—as I told Judy Allen—because she saw his picture in the Majority Lounge—a great young man. He has a great family.

I could go through here and talk about a lot of great memories, and I served with a lot of great people from Macomb County: Joe Snyder, Tom Guastello, Doug Carl, Gil DiNello—God rest their souls—and my present seatmate right here, Ken DeBeaussaert, a great, great guy who served in the House and the Senate. Now when we'll be leaving, we're going to leave a lot of work to do for the newest member from Macomb County, Senator Alan Sanborn.

It's been a great run. I just want to thank all of the people especially in Warren and Roseville and Centerline and Eastpointe who have given me the opportunity to come here for 25 years. And, hopefully, I'll go out and find a real job after December. God bless all of you.

Senator Sanborn's statement is as follows:

To the previous speaker who has been a voice for Macomb County for so many years, from the newest member of the Senate and a fellow representative Senator from Macomb County, you are something that I aspire to. You come here hoping that your reputation will stay intact, and you, sir, your reputation has only been elevated for your years of public service. You've been a tremendous representative Senator to Macomb County, and I respect you for that.

Also I'd like to take this opportunity to introduce my daughter who is here for Take Our Daughters to Work Day. Mom is watching back home in her classroom, and Marirose is here to greet my colleagues. I'd ask that my colleagues greet her.

Senator Cherry's statement is as follows:

On behalf of my colleagues in the Democratic Caucus, we all would like to wish the dean of the Senate, our colleague Art Miller, a wonderful 25th anniversary today. Art, I think, has the historical distinction of being the longest-serving Democratic Leader this caucus has ever had, and I would expect will ever have now that term limits have come in. He's got a record that's not likely to be broken, and he deserves that.

I think all of us can call Art Miller our friend. I know when I first came to the Senate, Art's guiding hand was helpful to me as I learned the institution. I think there are probably 36 other stories of a similar vein. Art was always one who could rise in debate, could rise to challenge, but also did that in the way of a colleague in that he was always there regardless of what side of the aisle you stood on and what kind of disagreements you were involved in. Art was always there to be helpful to you and to show you how to operate in this body in a way that people would respect you. He's been an enormous role model for all of us, and I'm proud to have served with him. On this day of his anniversary, I want to express my utmost respect for Art Miller and all that he stood for during these 25 years.

Senator Hart's statement is as follows:

To Senator Miller on behalf of all the members of the Michigan State Senate—Senator Miller, there are some beautiful words inscribed commemorating this 25th anniversary, and there are so many words here. You know, this body was trying to get together to buy you a watch to commemorate your 25th anniversary, but we couldn't find \$25.00. But we're going to give you a beautiful tribute that you can read in your retirement after January. Thank you, Art.

Senator Miller's statement is as follows:

This great day happens to be the last day for a young woman who I've been very fortunate to have as an intern in my office for the last year. Her name is Kate Huschke. She's presently employed with us, and she's a full-time student at Michigan State University, majoring in political science. She's graduating next week. She's going to spend a little time with her family, and then she's going to go off to be a lawyer. She's accepted at two law schools, and I know she has an outstanding future. I have been very fortunate to have this young woman answer a lot of constitute mail and do a lot of the unpopular work in the office. She's been a great intern. I just want to let the body know that someday you'll see her back here when she finishes law school. Thank you, Kate.

Senator Hammerstrom entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received:

Department of Consumer and Industry Services

April 17, 2002

Pursuant to Section 314 of P.A. 119 of 2001, we are enclosing a copy of the following reports:

Type of Report	Facility	Report #	License #
Special Investigation Report	Sequoyah Center	2002C0117007	CS470201401

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,

John R. Suckow, C.P.A.

Director, Finance and Administrative Services

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, April 24, for his approval the following bills:

Enrolled Senate Bill No. 842 at 1:15 p.m.

Enrolled Senate Bill No. 843 at 1:17 p.m.

Enrolled Senate Bill No. 844 at 1:19 p.m.
 Enrolled Senate Bill No. 845 at 1:21 p.m.
 Enrolled Senate Bill No. 847 at 1:23 p.m.
 Enrolled Senate Bill No. 849 at 1:25 p.m.
 Enrolled Senate Bill No. 850 at 1:27 p.m.
 Enrolled Senate Bill No. 851 at 1:29 p.m.
 Enrolled Senate Bill No. 855 at 1:31 p.m.
 Enrolled Senate Bill No. 857 at 1:33 p.m.
 Enrolled Senate Bill No. 858 at 1:35 p.m.
 Enrolled Senate Bill No. 860 at 1:37 p.m.
 Enrolled Senate Bill No. 861 at 1:39 p.m.
 Enrolled Senate Bill No. 862 at 1:41 p.m.
 Enrolled Senate Bill No. 864 at 1:43 p.m.
 Enrolled Senate Bill No. 865 at 1:45 p.m.
 Enrolled Senate Bill No. 866 at 1:47 p.m.
 Enrolled Senate Bill No. 867 at 1:49 p.m.
 Enrolled Senate Bill No. 868 at 1:51 p.m.
 Enrolled Senate Bill No. 869 at 1:53 p.m.
 Enrolled Senate Bill No. 966 at 1:55 p.m.
 Enrolled Senate Bill No. 967 at 1:57 p.m.
 Enrolled Senate Bill No. 968 at 1:59 p.m.
 Enrolled Senate Bill No. 969 at 2:01 p.m.
 Enrolled Senate Bill No. 970 at 2:03 p.m.
 Enrolled Senate Bill No. 972 at 2:05 p.m.
 Enrolled Senate Bill No. 974 at 2:07 p.m.
 Enrolled Senate Bill No. 975 at 2:09 p.m.
 Enrolled Senate Bill No. 978 at 2:11 p.m.
 Enrolled Senate Bill No. 979 at 2:13 p.m.
 Enrolled Senate Bill No. 980 at 2:15 p.m.
 Enrolled Senate Bill No. 1007 at 2:17 p.m.
 Enrolled Senate Bill No. 1034 at 2:19 p.m.
 Enrolled Senate Bill No. 1035 at 2:21 p.m.
 Enrolled Senate Bill No. 1037 at 2:23 p.m.

The Secretary announced the printing and placement in the members' files on Friday, April 19, of:
House Bill Nos. 5928 5929 5930 5931 5932

The Secretary announced the printing and placement in the members' files on Tuesday, April 23, of:
House Bill Nos. 5933 5934 5935 5936 5937 5938 5939 5940 5941 5942 5943 5944 5945 5946
5947 5948 5949 5950 5951 5952 5953 5954
House Joint Resolution W

The Secretary announced the printing and placement in the members' files on Wednesday, April 24, of:
Senate Bill Nos. 1240 1241 1242

Messages from the Governor

The following messages from the Governor were received:

Date: April 23, 2002
 Time: 9:55 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 829 (Public Act No. 186), being

An act to amend 1967 PA 55, entitled "An act relating to the management of state funds; to prescribe the powers and duties of the state treasurer and the state administrative board; and to repeal certain acts and parts of acts," by amending section 1 (MCL 12.51).

(Filed with the Secretary of State on April 24, 2002, at 4:10 p.m.)

Date: April 23, 2002
Time: 9:57 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 830 (Public Act No. 187), being

An act to amend 1965 PA 380, entitled “An act to organize the executive and administrative agencies of state government; to establish principal departments and department heads; to define the powers and duties of the principal departments and their governing agents; to allocate executive and administrative powers, duties, functions, and services among the principal departments; to provide for a method for the gradual implementation of the provisions of this act and for the transfer of existing funds and appropriations of the principal departments herein created and established,” by repealing section 88 (MCL 16.188).

(Filed with the Secretary of State on April 24, 2002, at 4:12 p.m.)

Date: April 23, 2002
Time: 10:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 831 (Public Act No. 188), being

An act to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 389 (MCL 18.1389), as amended by 1988 PA 504.

(Filed with the Secretary of State on April 24, 2002, at 4:14 p.m.)

Date: April 23, 2002
Time: 10:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 832 (Public Act No. 189), being

An act to amend 1955 PA 70, entitled “An act to authorize cities to acquire and operate exhibition areas for commercial, industrial and agricultural products; to provide for the issuance of bonds to finance the cost thereof; to authorize the fixing and collecting of fees and other charges for the use of facilities therein; and to authorize the making of reasonable rules and regulations relative to the public use of facilities therein,” by amending section 5 (MCL 123.655).

(Filed with the Secretary of State on April 24, 2002, at 4:16 p.m.)

Date: April 23, 2002
Time: 10:05 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 835 (Public Act No. 190), being

An act to amend 1980 PA 450, entitled “An act to prevent urban deterioration and encourage economic development and activity and to encourage neighborhood revitalization and historic preservation; to provide for the establishment of tax increment finance authorities and to prescribe their powers and duties; to authorize the acquisition and disposal of interests in real and personal property; to provide for the creation and implementation of development plans; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to permit the issuance of bonds and other evidences of indebtedness by an authority; to permit the use of tax increment financing; to reimburse authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state agencies and officers,” by amending section 15 (MCL 125.1815), as amended by 1996 PA 271.

(Filed with the Secretary of State on April 24, 2002, at 4:18 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. 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.

Substitute (H-2).

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. 451**Yeas—35**

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

Nays—0**Excused—3**

Bennett	Johnson	Vaughn
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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 as amended.

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

Senate Bill No. 856, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or

township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies," by amending section 11j (MCL 123.961j), as amended by 1983 PA 29; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 1059, entitled

A bill to amend 1963 PA 62, entitled "Industrial development revenue bond act of 1963," by amending sections 4 and 9 (MCL 125.1254 and 125.1259), section 9 as amended by 1980 PA 90.

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. 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).

The House of Representatives has passed the bill and ordered that the bill 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. 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).

The House of Representatives has passed the bill and ordered that the bill 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.

Senator Johnson entered the Senate Chamber.

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.

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. 1065, entitled

A bill to amend 1957 PA 206, entitled "An act to authorize 2 or more counties, cities, townships and incorporated villages, or any combination thereof, to incorporate an airport authority for the planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating the landing, navigational and building facilities necessary thereto of 1 or more community airports; to provide for changes in the membership

therein; to authorize an authority or the counties, cities, townships and incorporated villages that form an authority to levy taxes for such purposes; to provide for the operation and maintenance and issuing notes therefor; to authorize condemnation proceedings; and to prescribe penalties and provide remedies," by amending section 9 (MCL 259.629), as amended by 1982 PA 312.

The House of Representatives has passed the bill and ordered that the bill 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. 1066, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 1990 PA 304.

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.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 5486, entitled

A bill to amend 1978 PA 59, entitled "An act relative to condominiums and condominium projects; to prescribe powers and duties of the administrator; to provide certain protections for certain tenants, senior citizens, and persons with disabilities relating to conversion condominium projects; to provide for escrow arrangements; to provide an exemption from certain property tax increases; to impose duties on certain state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 54, 58, 67, 69, 71, 90, 90a, 108, 112, 135, 173, and 176 (MCL 559.154, 559.158, 559.167, 559.169, 559.171, 559.190, 559.190a, 559.208, 559.212, 559.235, 559.273, and 559.276), sections 54, 58, 67, 69, 90, 108, 112, and 135 as amended and sections 90a and 176 as added by 2000 PA 379, section 71 as amended by 1982 PA 538, and section 173 as amended by 1983 PA 113; and to repeal acts and parts of acts.

Senator Emmons moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

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

Senator Emmons moved to reconsider the vote by which the bill was passed.

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

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

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:

House Bill No. 5486

The motion prevailed.

The following bill was announced:

House Bill No. 5486, entitled

A bill to amend 1978 PA 59, entitled "An act relative to condominiums and condominium projects; to prescribe powers and duties of the administrator; to provide certain protections for certain tenants, senior citizens, and persons with disabilities relating to conversion condominium projects; to provide for escrow arrangements; to provide an exemption from certain property tax increases; to impose duties on certain state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 54, 58, 67, 69, 71, 90, 90a, 108, 112, 135, 173, and 176 (MCL 559.154, 559.158, 559.167, 559.169, 559.171, 559.190, 559.190a, 559.208, 559.212, 559.235, 559.273, and 559.276), sections 54, 58, 67, 69, 90, 108, 112, and 135 as amended and sections 90a and 176 as added by 2000 PA 379, section 71 as amended by 1982 PA 538, and section 173 as amended by 1983 PA 113; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Bullard offered the following substitute:

Substitute (S-1).

The substitute was adopted, a majority of the members serving voting therefor.
 The question being on the passage of the bill,
 The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 452**Yeas—36**

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

Nays—0**Excused—2**

Bennett

Vaughn

Not Voting—0

In The Chair: Schwarz

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

The motion prevailed.

Senator Gougeon's statement is as follows:

I'm delighted today to have an opportunity to announce that two interns who have served in my office since January are now leaving my office and are going on to bigger and better things. Todd Wolfe is a senior at Michigan State University, specializing in organizational communications as a major. He graduates next week, and he's on his way to Chicago to work for Minolta. His family lives in Port Huron, and he's a constituent of Senator Dan DeGrow.

Jeff Oudsema has been interning since January. He has a major in political science, and he's a junior at Michigan State University. He'll graduate in May 2003. He's originally from Portage, and he's a constituent of Senator Dale Shugars.

I want to thank both of these individuals for their outstanding service in my office. They will be missed.

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 Leland as Chairperson.

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

Senate Bill No. 1248, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4v (MCL 205.54v), as added by 1999 PA 116.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 11, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5504 (MCL 324.5504).

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 a substitute therefor, the following bill:
Senate Bill No. 824, entitled

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

Substitute (S-1).

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

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

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Sikkema 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 10:49 a.m.

10:56 a.m.

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

During the recess, Senator Sikkema introduced to the Senate the Tri-Unity High School Boys Basketball Team, Class D State Champions, Head Coach Mark Keeler and Cheerleaders.

Coach Keeler responded briefly.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 1233

Senate Bill No. 1234

Senate Bill No. 1235

Senate Bill No. 540

House Bill No. 4799

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1233, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 11 and 30 of chapter XIIA (MCL 712A.11 and 712A.30), section 11 as amended by 1996 PA 409 and section 30 as amended by 1996 PA 561.

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. 453

Yeas—36

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

Nays—0

Excused—1

Vaughn

Not Voting—1

Murphy

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1234, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by repealing section 1a of chapter IX (MCL 769.1a).

The question being on the passage of the bill,

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

Roll Call No. 454

Yeas—36

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

McManus
Miller
North
Peters
Sanborn
Schuette

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1235, entitled

A bill to amend 1988 PA 13, entitled “Juvenile diversion act,” by amending section 5 (MCL 722.825), as amended by 1996 PA 137.

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. 455

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
Leland
McCotter
McManus
Miller
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 540, entitled

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

The question being on the passage of the bill,

Senator DeBeaussaert offered the following amendment:

1. Amend page 3, line 2, after “providing” by striking out the balance of the line through “citizens” on line 3 and inserting “outpatient services to indigent persons requiring community health services due to mental illness, aging, substance abuse, or developmental disability”.

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

The question being on the passage of the bill,

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

Roll Call No. 456

Yeas—36

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	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.

Senator DeBeaussaert moved that he be named co-sponsor of the bill.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4799, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” (MCL 117.1 to 117.38) by adding section 5j.

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. 457

Yeas—36

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema

DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Miller
North
Peters
Sanborn
Schuette

Smith
Steil
Stille
Van Regenmorter
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.

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

“An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 208

The resolution consent calendar was adopted.

Senators Goschka, Young, Hammerstrom, North, Shugars, Gougeon, McManus and Hoffman offered the following resolution:

Senate Resolution No. 208.

A resolution commemorating the Eighty-fifth Anniversary of the Methodist Children’s Home Society of Detroit.

Whereas, It is with sincere gratitude and deep respect that we celebrate the Eighty-fifth Anniversary of the Methodist Children’s Home Society of Detroit. This voluntary, private, nonsectarian child-care agency has provided high quality care for children and families since 1917; and

Whereas, Originally founded in Highland Park to care for orphaned children, Methodist Children’s Home Society moved to its present location in Redford Township in 1929. The agency now provides advocacy for children and families, treatment programs through foster care and Children’s Village, and prevention services including adoption, pregnancy counseling, and mentoring/tutoring; and

Whereas, In 1995 and 1996, Methodist Children’s Home Society entered into a building and construction program to build seven new residential cottages. These single-story structures offer space for 10 residents each in individual bedrooms and have positioned the agency to provide the highest quality care available to children for generations to come; and

Whereas, Methodist Children’s Home Society serves children from infants through 18 years of age and families without regard to race or religion. It is a mission of love, and statistics prove its success. During 2001, staff and volunteers placed 22 children in adoptive homes and provided treatment for 87 children in residential care, 118 in foster care, 7 in pregnancy counseling, and 23 in mentoring/tutoring. For eighty-five years it has been the place where the future begins for children with special needs; now, therefore, be it

Resolved by the Senate, That tribute be hereby accorded to commemorate the Eighty-fifth Anniversary of the Methodist Children's Home Society of Detroit; and be it further

Resolved, That a copy of this resolution be transmitted to Executive Director John R. Schmidt as evidence of our esteem and appreciation.

House Concurrent Resolution No. 64.

A concurrent resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, Under the provisions of the Transportation Equity Act for the 21st Century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, For Fiscal Year 2003, proposed federal transportation funding for Michigan is expected to be \$222 million less than Fiscal Year 2002. This shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

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

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Emmons moved that the concurrent resolution be referred to the Committee on Transportation and Tourism.

The motion prevailed.

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

Introduction and Referral of Bills

Senators Schwarz and Van Regenmorter introduced

Senate Bill No. 1250, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 36 of chapter IX and section 14m of chapter XVII (MCL 769.36 and 777.14m), section 36 of chapter IX as added by 2001 PA 246 and section 14m of chapter XVII as added by 2002 PA 29.

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

Senators Schwarz and Van Regenmorter introduced

Senate Bill No. 1251, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending sections 105, 109, 353, 357, 359, 361, and 365 (MCL 462.105, 462.109, 462.353, 462.357, 462.359, 462.361, and 462.365); 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 Judiciary.

Senators Hart, North, Scott and Peters introduced

Senate Bill No. 1252, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," (MCL 37.1101 to 37.1607) by adding section 304.

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

Scheduled Meetings

Appropriations - Wednesdays, May 1 and 8, and Tuesday, May 7, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Agriculture - Wednesday, May 1, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Consumer and Industry Services and History, Arts, and Libraries, Joint - Tuesday, April 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

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

Natural Resources - Tuesday, May 14, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

State Police and Military Affairs - Thursday, May 2, 8:30 a.m., Room 110, Farnum Building (373-2426)

Transportation - Friday, April 26, 9:30 a.m., City/County Building Auditorium, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit; and Wednesday, May 1, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Banking and Financial Institutions - Friday, April 26, 10:00 a.m. and 1:00 p.m., Room 210, Farnum Building (373-2420)

Economic Development, International Trade and Regulatory Affairs - Tuesdays, May 7, May 14 and May 21, 1:00 p.m., Room 110, Farnum Building (373-7946)

Transportation and Tourism - Tuesday, April 30, 3:00 p.m., Room 110, Farnum Building (373-1758)

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

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, April 30, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.