

**No. 37**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Tuesday, April 30, 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

Pastor Seldon Williams of King Solomon Missionary Baptist Church of Mt. Morris offered the following invocation: Dear Heavenly God, our Father, we just come thanking You for this day. Lord, we just thank You for another privilege to come and to be blessed to do what it is that You have called us to do. We come this morning, dear God, begging that You'll look upon these Senators not as politicians, but Lord, today as humanitarians. Touch their hearts, and help them to make the right decisions. Then most of all, dear God, let them know that they are lawmakers, but only You can change the hearts of men and women.

Now, Lord, we need You throughout this day. Be with them throughout this Senate, help them to overlook racial dominations, and help them to overlook this Democrat and Republican situation. We ask that You guide their hearts. In Jesus' name we pray. Amen and thank God.

Senators Murphy, Emerson and Miller entered the Senate Chamber.

### Motions and Communications

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

Senator Emerson moved that Senator Vaughn be excused from this week's sessions.  
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 25:  
**House Bill Nos. 4625 4651 5637 5778 5805 5806 5819 5845 5892 5893**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, April 25, for his approval the following bills:

**Enrolled Senate Bill No. 1107 at 10:13 a.m.**  
**Enrolled Senate Bill No. 976 at 10:15 a.m.**

The Secretary announced the printing and placement in the members' files on Thursday, April 25, of:  
**Senate Bill Nos. 1243 1244 1245 1246 1247 1249**  
**House Bill No. 5955**

The Secretary announced the printing and placement in the members' files on Friday, April 26, of:  
**Senate Bill Nos. 1250 1251 1252**  
**House Bill Nos. 5956 5957 5958 5959 5960 5961 5962 5963 5964 5965 5966 5967 5968**

Senator Smith entered the Senate Chamber.

### Messages from the Governor

The following messages from the Governor were received:

Date: April 25, 2002  
Time: 2:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1107 (Public Act No. 191), being**

An act to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 6, 11, 11f, 11g, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32a, 32b, 32c, 32d, 32f, 37, 38, 39, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 96, 98, 99, 101, 105, 107, 108, and 147 (MCL 388.1606, 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632a, 388.1632b, 388.1632c, 388.1632d, 388.1632f, 388.1637, 388.1638, 388.1639, 388.1641, 388.1651a, 388.1651c, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1698, 388.1699, 388.1701, 388.1705, 388.1707, 388.1708, and 388.1747), sections 6, 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32a,

32b, 32c, 32d, 32f, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 98, 99, 107, and 147 as amended by 2001 PA 121 and sections 19, 37, 38, 39, 101, and 105 as amended and sections 96 and 108 as added by 2000 PA 297, and by adding sections 8b, 8c, 11j, 32i, 39a, 51d, 55, 99a, and 121a; and to repeal acts and parts of acts.

(Filed with the Secretary of State on April 26, 2002, at 11:30 a.m.)

Date: April 26, 2002

Time: 5:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 966 (Public Act No. 193), being**

An act to amend 1937 PA 79, entitled “An act to authorize any municipality, as herein defined, to borrow money and issue notes in anticipation of the collection of revenues other than taxes and special assessments; and to prescribe the powers and duties of certain state departments, commissions, and officials,” by amending sections 2, 3, and 4 (MCL 141.222, 141.223, and 141.224), section 3 as amended by 1983 PA 50; and to repeal acts and parts of acts.

(Filed with the Secretary of State on April 29, 2002, at 11:10 a.m.)

Date: April 26, 2002

Time: 5:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 967 (Public Act No. 194), being**

An act to amend 1943 PA 143, entitled “An act to empower boards of county road commissioners to borrow money in anticipation and upon the faith and credit of future receipts of revenues, derived from certain state collected taxes, for the purpose of purchasing road machinery or equipment or for improvement of county highways or for general county road purposes,” by amending sections 1 and 2 (MCL 141.251 and 141.252), section 1 as amended by 1983 PA 51; and to repeal acts and parts of acts.

(Filed with the Secretary of State on April 29, 2002, at 11:12 a.m.)

Date: April 26, 2002

Time: 5:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 968 (Public Act No. 195), being**

An act to amend 1969 PA 121, entitled “An act to authorize counties, cities, townships and villages to issue bonds or notes, and pledge deferred income from sale of capital assets, due and payable but which has not been received, for the payment of principal and interest thereon; and to authorize the county, city, township or village to pledge its full faith and credit for the payment of the bonds or notes,” by amending sections 2 and 3 (MCL 141.382 and 141.383), section 3 as amended by 1983 PA 52.

(Filed with the Secretary of State on April 29, 2002, at 11:14 a.m.)

Date: April 26, 2002

Time: 5:46 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 969 (Public Act No. 196), being**

An act to amend 1985 PA 217, entitled “An act to establish an employee-owned corporation revolving loan fund; to prescribe the powers and duties of certain state departments and employee-owned corporations; and to make an appropriation,” (MCL 450.801 to 450.815).

(Filed with the Secretary of State on April 29, 2002, at 11:16 a.m.)

Date: April 26, 2002

Time: 5:48 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 970 (Public Act No. 197), being**

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture

and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 24e (MCL 211.24e), as amended by 1995 PA 42.

(Filed with the Secretary of State on April 29, 2002, at 11:18 a.m.)

Date: April 26, 2002

Time: 5:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 972 (Public Act No. 198), being**

An act to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 87b (MCL 211.87b), as amended by 1994 PA 189.

(Filed with the Secretary of State on April 29, 2002, at 11:20 a.m.)

Date: April 26, 2002

Time: 6:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 974 (Public Act No. 199), being**

An act to amend 1939 PA 342, entitled "An act to authorize counties to establish and provide water, sewer, or sewage disposal improvements and services within or between cities, villages, townships, charter townships, or any duly authorized and established combinations thereof, within or without the county, and to establish and provide garbage or rubbish collection and disposal facilities and services for such units of government or combinations thereof, and for such purposes to acquire, purchase, construct, own, maintain, or operate water mains and trunk and connecting lines, water pumping and purification plants, sewers, sewage interceptors, sewage disposal plants, settling basins, screens and meters, and incinerators and disposal grounds; to authorize counties to establish, administer, coordinate, and regulate a system or systems of water, sewer, or sewage disposal improvements and services, and garbage and rubbish collection and disposal facilities and services, within or between such units of government; to provide methods for obtaining money for the aforesaid purposes; to authorize counties to extend by laterals and connections, and to construct, improve, repair, manage, or operate water, sewer, or sewage disposal improvements and garbage and rubbish collection and disposal facilities and services of and situated within such cities, villages, townships, charter townships, or any duly authorized and established combination thereof, and provide for the loan of money to such units of government for the purposes and the repayment thereof by agreements therefor; to provide methods for collection of rates, charges, or assessments; to authorize counties to enter into contracts with any unit of government providing for the acquisition, construction, and financing of improvements or facilities and for the pledge of the full faith and credit of each unit of government for the payment of their respective shares of the cost thereof; to authorize each unit of government having power to tax to impose taxes without limitation as to rate or amount for the payment of contract obligations in anticipation of which bonds are issued; to authorize counties to issue bonds secured by the full faith and credit pledges of each unit of government; to authorize counties to pledge their full faith and credit as additional security on such bonds and to impose taxes without limitation as to rate or amount to the extent necessary for the payment of such bonds; to authorize counties to issue revenue bonds and to pledge their full faith and credit as additional security for the payment of such revenue bonds; to validate action taken and bonds issued; and to prescribe penalties and provide remedies," by amending sections 5a and 5c (MCL 46.175a and 46.175c), section 5c as amended by 1983 PA 183.

(Filed with the Secretary of State on April 29, 2002, at 11:22 a.m.)

Date: April 26, 2002  
Time: 6:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 975 (Public Act No. 200), being**

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

(Filed with the Secretary of State on April 29, 2002, at 11:24 a.m.)

Date: April 26, 2002  
Time: 6:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 976 (Public Act No. 201), being**

An act to amend 1909 PA 279, entitled “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,” by amending sections 3, 4a, 5, and 5f (MCL 117.3, 117.4a, 117.5, and 117.5f), section 3 as amended by 1999 PA 260, section 4a as amended by 1994 PA 324, section 5 as amended by 1988 PA 268, and section 5f as amended by 1990 PA 231.

(Filed with the Secretary of State on April 29, 2002, at 11:26 a.m.)

Date: April 26, 2002  
Time: 6:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 978 (Public Act No. 202), being**

An act to amend 1945 PA 344, entitled “An act to authorize counties, cities, villages and townships of this state to adopt plans to prevent blight and to adopt plans for the rehabilitation of blighted areas; to authorize assistance in carrying out such plans by the acquisition of real property, the improvement of such real property and the disposal of real property in such areas; to prescribe the methods of financing the exercise of these powers; and to declare the effect of this act,” by amending sections 7a and 7b (MCL 125.77a and 125.77b), section 7a as amended by 1983 PA 32 and section 7b as amended by 1986 PA 320.

(Filed with the Secretary of State on April 29, 2002, at 11:28 a.m.)

Date: April 26, 2002  
Time: 6:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 979 (Public Act No. 203), being**

An act to amend 1943 PA 183, entitled “An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies,” by amending section 33 (MCL 125.233), as added by 1996 PA 569.

(Filed with the Secretary of State on April 29, 2002, at 11:30 a.m.)

Date: April 26, 2002  
Time: 6:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 980 (Public Act No. 204), being**

An act to amend 1943 PA 184, entitled “An act to provide for the establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies,” by amending section 33 (MCL 125.303), as added by 1996 PA 570.

(Filed with the Secretary of State on April 29, 2002, at 11:32 a.m.)

Date: April 26, 2002  
Time: 11:07 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1032 (Public Act No. 210), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 409 (MCL 750.409).

(Filed with the Secretary of State on April 29, 2002, at 11:44 a.m.)

Date: April 26, 2002  
Time: 11:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1027 (Public Act No. 211), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 41 (MCL 750.41).

(Filed with the Secretary of State on April 29, 2002, at 11:46 a.m.)

Date: April 27, 2002  
Time: 12:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 842 (Public Act No. 223), being**

An act to repeal 1998 PA 379, entitled “An act to authorize municipalities to collect delinquent property taxes and other delinquent assessments and charges by selling the liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to establish procedures for collecting delinquent taxes and enforcing tax liens; to authorize the imposition of fees, charges, interest, and penalties upon delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to create certain entities or to utilize certain existing entities to facilitate the sale and purchase of liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to issue certain obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; to provide for the issuance of, and terms and conditions

for, obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; and to exempt the property, income, bonds, notes, and interest on bonds and notes of certain entities from certain taxes,” (MCL 211.921 to 211.941).

(Filed with the Secretary of State on April 29, 2002, at 12:10 p.m.)

Date: April 27, 2002  
Time: 12:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 843 (Public Act No. 224), being**

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 6097 (MCL 600.6097), as amended by 1984 PA 393.

(Filed with the Secretary of State on April 29, 2002, at 12:12 p.m.)

Date: April 27, 2002  
Time: 12:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 844 (Public Act No. 225), being**

An act to repeal 1992 PA 275, entitled “An act to create incentives for the federal government to locate federal facilities within this state; to create certain funds; to authorize expenditures from the funds; to authorize the use of bonds, obligations, and other evidence of indebtedness; to finance the development of facilities and of public improvements or related facilities; to provide for appropriations; and to prescribe the powers and duties of certain state officials,” (MCL 3.931 to 3.940); 1993 PA 126, entitled “An act to create incentives for the federal government to locate and maintain federal data facilities within this state; to create certain funds; to authorize expenditures from the funds; to authorize the issuance, use, and payment of bonds, obligations, and other evidences of indebtedness; to finance the development of facilities and of public improvements or related facilities; to provide for appropriations; to prescribe the powers and duties of certain state officials; and to repeal this act on a specific date,” (MCL 3.951 to 3.961); and section 483 of 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.483).

(Filed with the Secretary of State on April 29, 2002, at 12:14 p.m.)

Date: April 27, 2002  
Time: 12:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 845 (Public Act No. 226), being**

An act to amend 1846 RS 16, entitled “Of the powers and duties of townships, the election and duties of township officers, and the division of townships,” by amending section 75b (MCL 41.75b), as amended by 1990 PA 230.

(Filed with the Secretary of State on April 29, 2002, at 12:16 p.m.)

Date: April 27, 2002  
Time: 12:08 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 847 (Public Act No. 227), being**

An act to amend 1941 PA 107, entitled “An act to authorize township water supply and sewage disposal services and facilities; to provide for financing of those services and facilities; to prescribe the powers and duties of township boards

with respect to those services and facilities; and to prescribe penalties and provide remedies,” by amending sections 8, 20m, and 20o (MCL 41.338, 41.350m, and 41.350o), section 8 as amended and sections 20m and 20o as added by 1989 PA 83.

(Filed with the Secretary of State on April 29, 2002, at 12:18 p.m.)

Date: April 27, 2002

Time: 12:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 849 (Public Act No. 228), being**

An act to amend 1905 PA 157, entitled “An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; to provide the powers and duties of certain local units of government and certain officials; and to prescribe penalties and provide remedies,” by amending section 6d (MCL 41.426d), as added by 1989 PA 79.

(Filed with the Secretary of State on April 29, 2002, at 12:20 p.m.)

Date: April 27, 2002

Time: 12:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 850 (Public Act No. 229), being**

An act to amend 1954 PA 188, entitled “An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,” by amending section 15 (MCL 41.735).

(Filed with the Secretary of State on April 29, 2002, at 12:22 p.m.)

Date: April 27, 2002

Time: 12:14 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 851 (Public Act No. 230), being**

An act to amend 1947 PA 359, entitled “An act to authorize the incorporation of charter townships; to provide a municipal charter therefor; to prescribe the powers and functions thereof; and to prescribe penalties and provide remedies,” by amending section 14a (MCL 42.14a), as amended by 1995 PA 212.

(Filed with the Secretary of State on April 29, 2002, at 12:24 p.m.)

Date: April 27, 2002

Time: 12:16 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 855 (Public Act No. 231), being**

An act to amend 1895 PA 215, entitled “An act to provide for the incorporation of cities of the fourth class; to provide for the vacation of the incorporation thereof; to define the powers and duties of such cities and the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by cities; to define the application of this act and provide for its amendment by cities subject thereto; to validate such prior amendments and certain prior actions taken and bonds issued by such cities; and to prescribe penalties and provide remedies,” by amending sections 10 and 25 (MCL 107.10 and 110.25), section 10 as amended by 1983 PA 45.

(Filed with the Secretary of State on April 29, 2002, at 12:26 p.m.)

Date: April 27, 2002  
Time: 12:18 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 857 (Public Act No. 232), being**

An act to amend 1994 PA 425, entitled “An act to provide for the creation of community swimming pool authorities; to provide powers and duties of the authorities; to provide for the levy of a tax by the authorities; and to provide for the collection and distribution of the tax,” by amending sections 9 and 11 (MCL 123.1069 and 123.1071).

(Filed with the Secretary of State on April 29, 2002, at 12:28 p.m.)

Date: April 27, 2002  
Time: 12:25 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 858 (Public Act No. 233), being**

An act to amend 2000 PA 321, entitled “An act to provide for the establishment of recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials,” by amending section 21 (MCL 123.1151).

(Filed with the Secretary of State on April 29, 2002, at 12:30 p.m.)

Date: April 27, 2002  
Time: 12:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 860 (Public Act No. 234), being**

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

(Filed with the Secretary of State on April 29, 2002, at 12:32 p.m.)

Date: April 27, 2002  
Time: 12:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 861 (Public Act No. 235), being**

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending section 14 (MCL 125.2164), as amended by 1996 PA 270.

(Filed with the Secretary of State on April 29, 2002, at 12:34 p.m.)

Date: April 27, 2002  
Time: 12:34 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 862 (Public Act No. 236), being**

An act to amend 1986 PA 59, entitled “An act to authorize the establishment of a resort district authority; to prescribe its powers and duties; to correct and prevent deterioration in resort districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and

implementation of rehabilitation plans in the districts; to create a board and to prescribe its powers and duties; to authorize the levy and collection of taxes; and to authorize the issuance of bonds and other evidences of indebtedness," by amending sections 8 and 14 (MCL 125.2208 and 125.2214), section 8 as amended by 1996 PA 209.

(Filed with the Secretary of State on April 29, 2002, at 12:36 p.m.)

Date: April 27, 2002

Time: 12:36 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 864 (Public Act No. 237), being**

An act to amend 1985 PA 106, entitled "An act to impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes," by amending sections 11 and 12 (MCL 207.631 and 207.632), as amended by 1993 PA 58.

(Filed with the Secretary of State on April 29, 2002, at 12:38 p.m.)

Date: April 27, 2002

Time: 12:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 865 (Public Act No. 238), being**

An act to amend 1989 PA 186, entitled "An act to provide for the establishment of a department of solid waste management in certain counties; to prescribe the powers and duties of certain public corporations; to provide for the incurring of certain contract obligations and the issuance and payment of certain bonds and notes by certain public corporations; to provide for a public corporation to pledge its full faith and credit and to levy taxes; and to prescribe a procedure for condemnation," by amending sections 7, 8, and 9 (MCL 45.587, 45.588, and 45.589).

(Filed with the Secretary of State on April 29, 2002, at 12:40 p.m.)

Date: April 27, 2002

Time: 12:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 866 (Public Act No. 239), being**

An act to amend 1917 PA 298, entitled "An act to authorize cities and villages to levy a tax for the purpose of collecting and disposing of garbage; and providing for the issuance of bonds therefor," by amending section 1 (MCL 123.261).

(Filed with the Secretary of State on April 29, 2002, at 12:42 p.m.)

Date: April 27, 2002

Time: 12:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 867 (Public Act No. 240), being**

An act to amend 1951 PA 266, entitled "An act regulating garbage disposal by cities and villages; to provide for the adoption of ordinances; to provide for the borrowing of money and the issuance of bonds; to provide for rates for services; and to declare the effect of this act," by amending sections 4 and 7 (MCL 123.364 and 123.367), section 7 as amended by 1983 PA 28.

(Filed with the Secretary of State on April 29, 2002, at 12:44 p.m.)

Date: April 27, 2002

Time: 12:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 868 (Public Act No. 241), being**

An act to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste

management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,” by amending sections 7, 9, and 12c (MCL 124.287, 124.289, and 124.292c), section 7 as amended by 1981 PA 154, section 9 as amended by 1994 PA 36, and section 12c as amended by 1983 PA 30.

(Filed with the Secretary of State on April 29, 2002, at 12:46 p.m.)

Date: April 27, 2002  
Time: 12:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 869 (Public Act No. 242), being**

An act to amend 1992 PA 173, entitled “An act to authorize the establishment of land reclamation and improvement authorities; to provide for land reclamation and improvement authority boards and for their powers and duties; to authorize the exercise of the power of eminent domain; to provide for the making of certain improvements; to provide for the issuance of bonds and notes; to provide for assessing the cost of improvements and services against property benefited; to authorize certain rents, fees, and charges; and to provide for the powers and duties of certain state and local governmental officers and entities,” by amending section 32 (MCL 125.2482).

(Filed with the Secretary of State on April 29, 2002, at 12:48 p.m.)

Respectfully,  
John Engler  
Governor

The following message from the Governor was received:

April 25, 2002

Today I have signed Enrolled Senate Bill 1107. The attached copy of the bill has been filed with the Secretary of State.

I am proud to sign this budget. In the face of declining state revenues, we continued to demonstrate our mutual commitment to education by increasing the minimum foundation allowance to \$6,700 per pupil, a 3.1% or \$200 per pupil funding increase for fiscal year 2003. The minimum foundation allowance has increased by \$2,500 per pupil since fiscal year 1995, an increase of nearly 60%. When Proposal A was passed, a district with a foundation allowance over \$6,500 was considered “rich”—now all districts will receive at least \$6,700 in fiscal year 2003.

We have achieved this goal by permanently changing the State Education Tax (SET) collection schedule from December to July, which is expected to generate an increase in fiscal year 2003 School Aid Fund revenues of nearly \$500 million. To mitigate the burden of an earlier due date for some taxpayers, we are also proposing a one-time reduction in the millage rate, from six to five mills in 2003, resulting in a one-time tax cut of \$266 million. In addition, \$4.6 million is appropriated in fiscal year 2003 to reimburse local treasurers for the implementation of the collection schedule change. An estimated School Aid Fund balance of \$135 million at the end of fiscal year 2003 is available to support fiscal year 2004 appropriations.

Enrolled Senate Bill 1107 appropriates over \$11.4 billion for 2002 and nearly \$12.7 billion for fiscal year 2003 to support K-12 education in Michigan. Beginning with the fiscal year 2003 budget, \$1.2 billion in federal funding is transferred from the Department of Education budget to the State School Aid Act. The federal *No Child Left Behind Act of 2001* not only increases the level of funding to schools, but also requires increased accountability for student achievement. The transfer of federal grants to the State School Aid Act will allow better coordination of federal and state education dollars to achieve the goal of increased student academic achievement.

In addition, this budget restores major categorical payments for fiscal year 2003, such as:

- At-risk funding of \$314.2 million, for both fiscal years, which includes \$1.4 million in fiscal year 2002 and \$3.7 million in fiscal year 2003 for school-based teen health centers.
- \$72.8 million for school readiness programs.
- Intermediate school district (ISD) funding at \$95 million, a 3.1% increase over fiscal year 2002 funding.
- \$40.8 million in funding for vocational education.
- \$22.2 million for career preparation funding.
- Adult education funding at \$77.5 million, an increase of \$2.5 million, and \$20 million for adult learning (PAL) programs.

I also commend the Legislature for recognizing the importance of technology and performance data in Michigan’s K-12 system. The permanent establishment of the Center for Educational Performance and Information will maintain its core mission of collecting and disseminating education data required by state and federal law in the most efficient,

useful manner possible. Support for the Michigan Virtual University as it develops innovative strategies using wireless technology to improve student academic achievement will particularly benefit small, rural districts, such as those in the Upper Peninsula.

Legislative action on this budget demonstrates your continuing outstanding commitment to our future. Thank you for your work on behalf of Michigan's children.

Sincerely,  
John Engler  
Governor

The following message from the Governor was received on April 29, 2002, and read:

EXECUTIVE ORDER  
2002 - 9

**Michigan Citizen Corps  
Michigan Community Service Commission  
Michigan Department of Career Development**

Whereas, this administration continues to be committed to encouraging all citizens, organizations and institutions in Michigan to help in solving our most critical problems by volunteering their time, effort, energy and service in times of prosperity as well as dire crisis; and

Whereas, the need for homeland security, community health and public safety have increased and have led to the need to call upon the compassion, inventiveness and the entrepreneurial spirit of all citizens to help solve many of the problems facing their communities; and

Whereas, it is the standing reputation of this administration to discover and to encourage new community service leaders, to promote individuals, organizations and institutions that serve as outstanding examples of a commitment to serving others, and to convince all Michigan citizens that a successful life includes serving others; and

Whereas, significant issues facing the nation and state continue to be addressed by the collaborative efforts of committed citizens volunteering their time and talents through volunteer centers, national service programs, schools, community organizations, government agencies, businesses, labor groups, and a host of other community and state efforts; and

Whereas, Michigan has established a comprehensive, intricate and effective community-based and community-driven infrastructure for state-sponsored national and community service through the Michigan Community Service Commission and its public- and private-sector partnering organizations.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

**I. DEFINITIONS**

A. "Michigan Citizen Corps" means the Michigan initiative created under the federal USA Freedom Corps program by this order.

B. "Michigan Citizen Corps Council" ("council") means the advisory body created within the Michigan Community Service Commission by this order.

C. "Michigan Community Service Commission" ("commission") means the entity established by Act No. 219 of the Public Acts of 1994, as amended, being Section 408.221 *et seq.* of the Michigan Compiled Laws, that was subsequently transferred to the Department of Career Development by Executive Order 1999-1, as amended, being Section 408.40 of the Michigan Compiled Laws.

D. "Michigan Department of Career Development" ("department") means the principal department of state government created by Executive Order 1999-1, as amended, being Section 408.40 of the Michigan Compiled Laws.

E. "USA Freedom Corps" means the federal interagency initiative created under the terms of Executive Order 13254 of January 29, 2002, (67 CFR 4869) and the Citizen Service Act of 2002, a legislative proposal submitted to the United States Congress by President George W. Bush.

**II. MICHIGAN CITIZEN CORPS COUNCIL**

A. Consistent with the provisions of Executive Order 13254 and any act of Congress enacted to implement Executive Order 13254, the Michigan Citizens Corps Council is created as an advisory body within the Michigan Community Service Commission.

B. The council shall have twelve (12) members representing the general public appointed by the Governor.

C. Except as otherwise provided in this subsection, members of the council shall hold office for a term of three (3) years. However, of the members initially appointed, four (4) shall hold office for a term of three (3) years, four (4) shall hold office for a term of two (2) years, and four (4) shall hold office for a term of one (1) year.

D. A vacancy on the council caused by the expiration of a term or other cause of termination of membership on the council shall be filled in the same manner as the original appointment.

E. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.

### **III. CHARGE TO THE COUNCIL**

The council shall be advisory in nature and shall assist the commission with the following functions:

A. The council shall oversee the development and operation of the Michigan Citizen Corps.

B. The council shall act as a state-wide advisory council on the Michigan Citizen Corps.

C. The council shall develop a comprehensive three-year Michigan Homeland Security Citizen Corp Coordination Plan in consultation with the Michigan Department of State Police and other emergency management entities. The plan shall coordinate the use of volunteer resources in furtherance of homeland security. The plan shall describe emergency response plans for volunteer recruitment and placement in times of state or community declared disasters, state agency coordination plans, and current activities at the state and local levels that may help in the development of the Michigan Citizen Corps. This plan shall be updated on an annual basis and shall be submitted to the Governor and the legislature no later than sixty (60) days after the close of each fiscal year.

D. The council shall assist the commission with the preparation of grant and other funding applications submitted to the USA Freedom Corps and other public and private funding sources for the purposes of implementing the Michigan Citizen Corps initiative.

E. Subject to appropriations and other applicable law, the council shall assist the commission with the establishment of policies and procedures regarding the use of grant and other funds.

F. The council shall assist the commission with the development and establishment of local Citizen Corps Councils and local Citizen Corps programs.

G. The council shall assist the commission in the development of initiatives to promote community service in coordination with existing programs including, but not limited to, Volunteers in Police Service, Neighborhood Watch, Medical Reserve Corps, the Terrorist Information and Prevention System, and Community Emergency Response Teams.

### **IV. OPERATIONS OF THE COUNCIL**

A. The Governor shall designate one (1) member of the council to serve as chairperson. This member shall serve as Chair at the pleasure of the Governor.

B. The council may promulgate bylaws, not inconsistent with law and with this Order, governing its organization, operation and procedure.

C. Members of the council shall not delegate their responsibilities to other persons. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The council shall act by a majority vote of its serving members.

D. The council shall meet at the call of the chairperson and as may be provided in the bylaws of the council. Meetings of the council may be held at any location within the state of Michigan. The council shall meet at least semi-annually.

E. The council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The council may consult with outside experts in order to perform its duties.

F. The council may establish one or more subcommittees consisting of council members to investigate and analyze specific issues, consistent with the charge to the council contained in Section III of this order. The chair of the council, or a member of the council designated by the chair, shall be a member of each subcommittee established by the council. Subcommittees shall recommend proposed actions, plans, comments, formulas, measures, reports or policies to the council, consistent with the council's charge. The council may adopt, reject or modify recommendations proposed by subcommittees.

G. Members of the council shall serve without compensation. Members of the council may receive reimbursement for necessary travel and expenses according to relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

H. The Department may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the performance of the council's duties, as the Department Director deems appropriate. Such procurements shall be in accordance with the relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

I. Subject to appropriations and other applicable law, the council may apply for, receive and expend monies from any source, public or private, including but not limited to, gifts, grants, donations of monies and government appropriations. The council may also accept donations of labor, services or other things of value from any public or private agency or person. Individual members of the council shall fully comply with the provisions of the Act No. 196 of the Public Acts of 1973, as amended, being Section 15.341 *et seq.* of the Michigan Compiled Laws, governing the standards of conduct for public officers and employees of the state of Michigan.

J. Members of the council shall refer all legal, legislative and media contacts to the Department.

K. The council shall be staffed by personnel within the commission as designated by the Executive Director.

**V. MISCELLANEOUS**

A. All departments, committees, commissioners or officers of the state or of any political subdivision thereof shall give to the council, or to any member or representative thereof, any necessary assistance required by the council, or any member of representative thereof, in the performance of the duties of the council so far as is compatible with its, his or her duties; free access shall also be given to any books, records or documents in its, his or her custody, relating to matters within the scope of inquiry, study or investigation of the council.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 29th day of April, in the Year of our Lord, Two Thousand Two.

John Engler  
Governor

By the Governor:  
Candice S. Miller  
Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received and read:

April 25, 2002

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

**Michigan Committee on Juvenile Justice**

Ms. Sara N. Antoine, 860 Reads Run, Traverse City, Michigan 49684, county of Grand Traverse, as a member representing juveniles, succeeding herself, for a term expiring on March 15, 2003.

Ms. Diane Giddings, 18654 Bradstreet, Hudson, Michigan 49247, county of Lenawee, as a member representing juveniles, succeeding Ms. Jessica J. Richards of Waterford, whose term has expired, for a term expiring on March 15, 2003.

April 25, 2002

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

**Michigan Osteopathic Medicine Advisory Board**

Mr. Thomas V. Angott, 6730 Commerce Road, Orchard Lake, Michigan 48033, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on March 26, 2008.

Dr. Gary L. Lynd, 8507 Cooper Road, Rives Junction, Michigan 49277, county of Jackson, as a member representing the general public, succeeding himself, for a term expiring on March 26, 2008.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

**Messages from the House**

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

**Senate Bill No. 451, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006). 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. 458****Yeas—36**

Bennett  
Bullard

Emmons  
Garcia

Koivisto  
Leland

Schwarz  
Scott



**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.

Senator Peters stated that had he been present when the vote was taken on concurring in the House substitute to the following bill, he would have voted “yea”:

**Senate Bill No. 451****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.

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. 460****Yeas—37**

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

**Nays—0****Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Schwarz

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

**Senate Bill No. 989, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8302, 8303, 8304, 8305, 8306, 8309, 8310, 8311, 8312, 8313, 8314, 8317, 8318, 8319, 8322, 8327, 8329, 8330, and 8333 (MCL 324.8302, 324.8303, 324.8304, 324.8305, 324.8306, 324.8309, 324.8310, 324.8311, 324.8312, 324.8313, 324.8314, 324.8317, 324.8318, 324.8319, 324.8322, 324.8327, 324.8329, 324.8330, and 324.8333), section 8319 as amended by 1996 PA 312, and by adding sections 8307a, 8307b, 8307c, 8307d, 8307e, and 8307f; 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), 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. 1068, entitled**

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

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. 1069, entitled**

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

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. 1070, entitled**

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

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. 1071, entitled**

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

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. 1072, entitled**

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

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. 1075, entitled**

A bill to amend 1923 PA 150, entitled "An act to authorize and empower counties, cities, villages and townships or any combination of them, to singly or jointly acquire by gift, devise or public condemnation a site or sites and/or construct, erect, lease, sub-lease and maintain public buildings for the purpose of housing within the same building or buildings city, county, village or township offices, and/or for any other public uses and purposes, which may include a memorial hall for war veterans of the United States of America and for public assemblage," by amending section 5 (MCL 123.925).

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. 1077, entitled**

A bill to amend 1974 PA 338, entitled "Economic development corporations act," by amending sections 6a, 7, 8, and 23 (MCL 125.1606a, 125.1607, 125.1608, and 125.1623), section 6a as added and sections 7, 8, and 23 as amended by 1980 PA 501.

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.

**House Bill No. 5442, entitled**

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 241, 479, 479a, and 543h (MCL 750.241, 750.479, 750.479a, and 750.543h), section 479a as amended by 1998 PA 344 and section 543h as added by 2002 PA 113.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 8, line 4, after "person" by inserting "WHO HAS VIOLATED ANY SECTION OF THIS CHAPTER OTHER THAN THIS SECTION OR IS WANTED AS A MATERIAL WITNESS IN CONNECTION WITH AN ACT OF TERRORISM PURSUANT TO SECTION 39 OF CHAPTER VII OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 767.39".

2. Amend page 8, line 11, after “able” by inserting “AS FOLLOWS:  
 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.  
 (B) IF THE PERSON RENDERS CRIMINAL ASSISTANCE TO A PERSON WHO HAS VIOLATED SECTION 543F.”.  
 3. Amend page 8, line 16, after “2002” by striking out the balance of the enacting section and inserting a period.  
 The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the title as amended.  
 Pursuant to rule 3.202, the bill was laid over one day.

**House Bill No. 5443, 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 amended the Senate substitute (S-1) as follows:

1. Amend page 3, following line 34, by inserting:

“Sec. 16z. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled

Laws:

<b>M.C.L.</b>	<b>Category</b>	<b>Class</b>	<b>Description</b>	<b>Stat Max</b>
750.535(2)	Property	D	Receiving or concealing stolen property having a value of \$20,000 or more or with prior convictions	10
750.535(3)	Property	E	Receiving or concealing stolen property having a value of \$1,000 to \$20,000 or with prior convictions	5
750.535a(2)	Pub ord	D	Operating a chop shop	10
750.535a(3)	Pub ord	D	Operating a chop shop, subsequent violation	10
750.535b	Pub saf	E	Stolen firearms or ammunition	10
750.539c	Pub ord	H	Eavesdropping	2
750.539d	Pub ord	H	Installing eavesdropping device	2
750.539e	Pub ord	H	Divulging or using information obtained by eavesdropping	2
750.539f	Pub ord	H	Manufacture or possession of eavesdropping device	2
750.540	Pub ord	H	Tapping or cutting telephone lines	2
750.540c(3)	Property	F	Manufacturing or delivering a counterfeit communications device	4
750.540f(2)	Property	E	Knowingly publishing a communications access device with prior convictions	5
750.540g(1)(c)	Property	E	Diverting telecommunication services having a value of \$1,000 to \$20,000 or with prior convictions	5
750.540g(1)(d)	Property	D	Diverting telecommunications services having a value of \$20,000 or more or with prior convictions	10
750.543f	Person	A	Terrorism without causing death	Life
750.543H(3)(A)	PUB ORD	B	HINDERING PROSECUTION OF TERRORISM — CERTAIN TERRORIST ACTS	20
<del>750.543h</del>				
750.543H(3)(B)	Pub ord	A	Hindering prosecution of terrorism — ACT OF TERRORISM	Life
750.543k	Pub saf	B	Soliciting OR PROVIDING material support for terrorism or terrorist acts	20
750.543m	Pub ord	B	Threat or false report of terrorism	20
750.543p	Pub saf	B	Use of internet or telecommunications to commit terrorism CERTAIN TERRORIST ACTS	20

750.543r	Pub saf	B	<del>Surveillance</del> POSSESSION of vulnerable target INFORMATION with intent to commit <del>terrorism</del> CERTAIN TERRORIST ACTS	20
750.545	Pub ord	E	Misprision of treason	5
750.552b	Property	F	Trespassing on correctional facility property	4".

2. Amend page 3, line 35, by striking out all of enacting section 1 and inserting:

“Enacting section 1. Section 16x of chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.16x, as amended by this amendatory act, takes effect July 15, 2002.”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 16x and 16z of chapter XVII (MCL 777.16x and 777.16z), section 16x as amended by 2000 PA 473 and section 16z as amended by 2002 PA 122.

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

By unanimous consent the Senate proceeded 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. 891**  
**Senate Bill No. 893**  
**Senate Bill No. 917**  
**Senate Bill No. 11**  
**Senate Bill No. 824**  
**Senate Bill No. 1248**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 891, entitled**

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

The question being on the passage of the bill,

Senator McCotter 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. 461**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Schwarz

Senator McCotter offered to amend the title to read as follows:

A bill to repeal 1881 PA 182, entitled "An act to provide for the incorporation of pipe line companies, and to define their powers and duties," (MCL 483.201 to 483.228).

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

**Senate Bill No. 893, entitled**

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

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. 462****Yeas—37**

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

**Nays—0****Excused—1**

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. 917, entitled**

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

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. 463**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Vaughn

**Not Voting—1**

McManus

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Emmons moved that Senator McManus be temporarily excused from the balance of today’s session. The motion prevailed.

Senator McManus entered the Senate Chamber.

The following bill was read a third time:

**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).

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. 464****Yeas—37**

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

**Nays—0****Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Stille, DeBeaussaert, Scott, Smith, Schwarz, McCotter, North, Murphy, Byrum, Young, Bennett, Goschka, Sikkema, Dunaskiss, Johnson, Hammerstrom, Hoffman, Schuette, Sanborn, Gougeon, McManus and Miller moved that they be named co-sponsors of the bill.

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 824, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3, 4, and 4q (MCL 205.93, 205.94, and 205.94q), section 3 as amended by 2002 PA 110, section 4 as amended by 2001 PA 39, and section 4q as added by 1999 PA 117, and by adding section 3b.

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. 465****Yeas—34**

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

**Nays—3**

Goschka

McCotter

Shugars

**Excused—1**

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. 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 question being on the passage of the bill,

Senator Emmons offered the following amendment:

1. Amend page 1, line 6, by striking out “205.903B” and inserting “205.93B”.

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

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

**Roll Call No. 466****Yeas—34**

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

**Nays—3**

Goschka	McCotter	Shugars
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**Excused—1**

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

**Introduction and Referral of Bills**

Senators Goschka, Garcia, Bullard, Emmons, Shugars, Sikkema, Dunaskiss, Steil, Hammerstrom, Stille, Hoffman, Gougeon, McManus, Koivisto, Sanborn, Schuette, McCotter, Hart, Miller and Van Regenmorter introduced

**Senate Bill No. 1253, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16299, 17014, and 17015 (MCL 333.16299, 333.17014, and 333.17015), section 17014 as added by 1993 PA 133 and section 17015 as amended by 2000 PA 345.

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

Senators Stille, North, Steil, Sanborn, Bennett, Shugars and Goschka introduced

**Senate Bill No. 1254, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

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

Senator Murphy introduced

**Senate Bill No. 1256, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4110.

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

Senator Murphy introduced

**Senate Bill No. 1257, entitled**

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," (MCL 490.1 to 490.31) by adding section 32.

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

Senator Murphy introduced

**Senate Bill No. 1258, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 513.

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

Senator Murphy introduced

**Senate Bill No. 1259, entitled**

A bill to amend 1865 PA 124, entitled "An act to designate the holidays to be observed in acceptance and payment of bills of exchange, bank checks and promissory notes, the business of banking, savings and loan, building and loan, municipal offices, the holding of courts and relative to the continuance of suits," by amending section 1 (MCL 435.101), as amended by 1984 PA 4.

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

Senator Murphy introduced

**Senate Bill No. 1260, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1175 (MCL 380.1175), as amended by 1995 PA 289.

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

Senators Murphy and Scott introduced

**Senate Bill No. 1261, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.283) by adding section 37a.

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

Senator Hart introduced

**Senate Bill No. 1262, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 654 (MCL 257.320a and 257.654), section 320a as amended by 2001 PA 103.

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

Senator Hart introduced

**Senate Bill No. 1263, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 227c.

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

Senator Hart introduced

**Senate Bill No. 1264, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531f.

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

**House Bill No. 4625, entitled**

A bill to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest on the bonds to finance water pollution control projects that prevent discharges of untreated or improperly treated sewage or other wastewater into the waters of the state; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

The House of Representatives has passed the bill by a 2/3 vote 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 Natural Resources and Environmental Affairs.

**House Bill No. 4651, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 1998 PA 68.

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

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

**House Bill No. 5637, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 85.

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

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

**House Bill No. 5778, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 949 (MCL 600.949), as amended by 1980 PA 69.

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. 5805, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 4 (MCL 125.2684), as amended by 2000 PA 259.

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 Economic Development, International Trade and Regulatory Affairs.

**House Bill No. 5806, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 6 (MCL 125.2686), as amended by 2000 PA 259.

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 Economic Development, International Trade and Regulatory Affairs.

**House Bill No. 5819, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2012 and 2014 (MCL 339.2012 and 339.2014), as amended by 1992 PA 103.

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 Economic Development, International Trade and Regulatory Affairs.

**House Bill No. 5845, entitled**

A bill to repeal 1931 PA 235, entitled "An act authorizing cities to borrow money and to issue bonds for the purpose of defraying part or all of the city's share of the cost and expense of separating grades for railroads and public highways and streets where such railroads intersect such highways and streets, including part or all of the city's share of the cost and expense of the elevation or depression of such railroads, highways and streets, and including the defraying of part or all of the city's share of the damages resulting to abutting property by reason of such separation of grades, or the elevation or depression of such railroads, public highways or streets," (MCL 253.91).

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. 5892, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding parts 52 and 197.

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 Natural Resources and Environmental Affairs.

**House Bill No. 5893, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5303 (MCL 324.5303), as amended by 2001 PA 221.

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 Natural Resources and Environmental Affairs.

By unanimous consent the Senate returned to the order of

**Resolutions**

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

**Senate Resolution No. 209****Senate Resolution No. 210**

The resolution consent calendar was adopted.

Senator Stille offered the following resolution:

**Senate Resolution No. 209.**

A resolution in recognition of the National Day of Prayer 2002.

Whereas, Throughout the history of our great nation, citizens have relied on prayer for guidance, strength, and comfort; and

Whereas, Prayer continues to provide direction and understanding to clergy, laymen, and government officials alike; and

Whereas, By practicing prayer, we are given the opportunity for a closer relationship with our Creator; and

Whereas, Although prayers are common during times of strife, it is also important to lift our hearts and minds in prayers of thanksgiving and praise; and

Whereas, Every year since 1952, the President of the United States has proclaimed a National Day of Prayer and called upon citizens to gather together to pray for our nation; and

Whereas, This year the National Day of Prayer will be observed on May 2, 2002; now, therefore, be it

Resolved by the Senate, That May 2, 2002, be recognized as the National Day of Prayer in Muskegon and Ottawa Counties; and be it further

Resolved, That all citizens of the state of Michigan be urged to gather on this day in their homes and places of worship to pray, each in his or her own manner, in the giving of thanks to God for His blessings and in seeking His guidance and strength.

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

Senators Dunaskiss, Sikkema, Shugars, Johnson, Steil, Gast, Goschka, Bennett, Garcia, Emmons, DeGrow, Hoffman, Miller, Hammerstrom, Stille, Gougeon, McManus, Koivisto, North, Byrum, Cherry, Emerson, Hart, DeBeaussaert, Smith, Dingell, McCotter, Young, Scott and Leland offered the following resolution:

**Senate Resolution No. 210.**

A resolution observing May 2, 2002, as National Day of Prayer in Michigan.

Whereas, The Congress of the United States passed a law proclaiming the first Thursday of the month of May as National Day of Prayer; and

Whereas, America has a longstanding commitment to prayer. It originated with our forefathers. In 1775, as the Continental Congress met in the middle of the conflict that would forge our new nation, the authors of our liberty asked all colonists to pray for God's help in undertaking this enormous task. Then, in 1795, our first President, George Washington, issued a proclamation that united Americans in a day of public thanksgiving; and

Whereas, The annual celebration of National Day of Prayer did not come into existence until President Truman signed into law an Act of Congress in 1952. In 1988, Congress and President Reagan actually set the day for this commemoration on the first Thursday in May of every year; and

Whereas, On May 2, 2002, we gather together people of all faiths and backgrounds once more in a unity of the human spirit. This unity of the human spirit is what accomplishes great things; and

Whereas, The prayers of this nation are a part of the good that has come from the devastation of September 11. Millions of Americans have been led to prayer. They have prayed for comfort in time of grief, understanding in a time of anger, and for protection in a time of uncertainty. Tragedy has brought forth the courage and the generosity of the American people. No one would ever wish on anyone the tragedy that happened on that day. Yet, as with each life, sorrows we would not choose can bring wisdom and strength gained in no other way; and

Whereas, Continuing in that tradition, many of the men and women who have served at the highest levels of our nation have also turned to prayer seeking wisdom from the Almighty. President Lincoln, who proclaimed a day of "humiliation, fasting, and prayer" in 1863, once stated: "I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom and that of all about me seemed insufficient for the day." Today, millions of Americans continue to hold dear that conviction President Lincoln so eloquently expressed. Gathering in churches, synagogues, mosques, temples, and homes, we ask for strength, direction, and compassion for our neighbors and ourselves; and

Whereas, On this National Day of Prayer, we ask that our country and its leaders continue to be blessed by God. We pray that this nation, founded on religious principles, continues to be guided and sustained by them. We ask that with God's help we are able to solve our country's problems and make America a better nation through our contributions; now, therefore, be it

Resolved by the Senate, That the members of this legislative body observe May 2, 2002, as National Day of Prayer in Michigan. We encourage the citizens of our nation to pray each in his and her own manner, seeking God's blessings on our families and government officials and for personal renewal, moral awakening, and a new spirit of harmony across our land. We urge all Americans to join in observing this day with appropriate programs, ceremonies, and activities.

Senators Hammerstrom, Stille, Steil, Bullard, Johnson, Sanborn, Byrum and Goschka offered the following concurrent resolution:

**Senate Concurrent Resolution No. 62.**

A concurrent resolution to urge Canadian and United States authorities to adhere to the provisions of their agreement concerning the transboundary movement of hazardous and other waste.

Whereas, The Agreement Between the Government of Canada and the Government of the United States of America Concerning the Transboundary Movement of Hazardous Waste was signed and became effective in 1986. This agreement was amended in 1992 to include municipal solid waste transported across the border. The agreement sets forth specific provisions for notifications and consent; and

Whereas, It has been reported that the notification and consent components of the agreement, which are fundamental to the compact, are not being followed. According to the United States Environmental Protection Agency, which is our country's "designated authority" under the agreement, the two governments have not implemented the notice and consent provisions for municipal solid waste shipments. The EPA has neither received notification of municipal waste shipments from Canada nor protested the lack of information; and

Whereas, With the seriousness of the issues involved and the strong objections of many people and groups in our state to the importing of any trash into our state, it is very disturbing to think that a significant tool like the bilateral agreement between the United States and Canada would be ignored. After many frustrations over efforts to regulate imported solid waste, the notification and consent requirements for municipal solid waste can finally give us long-overdue input on the solid waste that is imported; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge Canadian and United States authorities to adhere to the provisions of the Agreement Between the Government of Canada and the Government of the United States of America Concerning the Transboundary Movement of Hazardous Waste; and be it

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

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 concurrent resolution was adopted.

Senator DeBeaussaert was named co-sponsor of the concurrent resolution.

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 on the General Orders calendar for consideration today:

**House Bill No. 4057**

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

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 Goschka 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 with a substitute therefor, the following bill:

**Senate Bill No. 593, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 15 (MCL 205.65), as amended by 1993 PA 325.

Substitute (S-1).

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

1. Amend page 1, line 11, after "CERTIFICATE" by inserting "FROM THE DEPARTMENT".
2. Amend page 1, line 11, after "DUE" by striking out the balance of the line through "DEPARTMENT" on line 1 of page 2.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 594, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 5 (MCL 205.95).  
 Substitute (S-1).

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

1. Amend page 3, line 7, after "CERTIFICATE" by inserting "FROM THE DEPARTMENT".
2. Amend page 3, line 8, after "DUE" by striking out "FROM THE DEPARTMENT".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 595, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 451 (MCL 206.451), as amended by 1987 PA 254.

Substitute (S-1).

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

1. Amend page 2, line 2, after "CERTIFICATE" by inserting "FROM THE DEPARTMENT".
2. Amend page 2, line 3, after "DUE" by striking out "FROM THE DEPARTMENT".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4057, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20173.  
 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.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 81, entitled**

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

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

William Van Regenmorter  
 Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters and Scott

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 4848, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 486 (MCL 750.486).

With the recommendation that the bill pass.

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

William Van Regenmorter  
 Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5151, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2607.

With the recommendation that the bill pass.

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

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5398, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 37 to chapter VIII.

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, McCotter, Bullard, Schuette, Peters 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 Judiciary submitted the following:

Meeting held on Wednesday, April 24, 2002, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Schuette, Peters and Scott

Excused: Senator Dingell

The Committee on Health Policy reported

**House Bill No. 4057, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20173.

With the recommendation that the bill pass.

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

Dale L. Shugars  
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Emerson

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Thursday, April 25, 2002, at 11:30 a.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz and Emerson

Excused: Senator Byrum

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 878, entitled**

A bill to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting

students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Sanborn

Nays: Senators Hart and Scott

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

The Committee on Families, Mental Health and Human Services reported

**House Bill No. 4655, entitled**

A bill to revise the priority of allocation of funds for certain programs and services administered by the department of community health; and to prescribe the powers and duties of certain state agencies and departments.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Sanborn

Nays: Senators Johnson, Hart and Scott

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submitted the following:

Meeting held on Wednesday, April 24, 2002, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Johnson, Goschka, Sanborn, Hart and Scott

The Committee on Hunting, Fishing and Forestry reported

**Senate Bill No. 415, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72101, 72103, 72107, and 72110 (MCL 324.72101, 324.72103, 324.72107, and 324.72110), section 72101 as amended by 1997 PA 129 and sections 72103, 72107, and 72110 as added by 1995 PA 58.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Bullard, Hoffman, Koivisto and Cherry

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

**House Bill No. 5556, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48701 (MCL 324.48701), as added by 1995 PA 57.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Bullard, Hoffman, Koivisto and Cherry

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 Hunting, Fishing and Forestry submitted the following:  
Meeting held on Wednesday, April 24, 2002, at 9:00 a.m., Room 110, Farnum Building  
Present: Senators Sanborn (C), Bullard, Hoffman, Koivisto and Cherry

## COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submitted the following:  
Meeting held on Tuesday, April 23, 2002, at 1:11 p.m., Room 110, Farnum Building  
Present: Senators Schuette (C), McCotter, Sanborn, Leland and Peters

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Consumer and Industry Services submitted the following:  
Meeting held on Tuesday, April 23, 2002, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Bennett (C), Stille and Young

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:  
Meeting held on Tuesday, April 23, 2002, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Bennett (C), Stille and Young

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:  
Meeting held on Wednesday, April 24, 2002, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators McManus (C), Gast and Koivisto

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Career Development Strategic Fund Agency submitted the following:  
Meeting held on Wednesday, April 24, 2002, at 1:00 p.m., Room 100, Farnum Building  
Present: Senators Johnson (C), Stille and Dingell

**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)

**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** - Wednesday, May 1, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

**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)

**Government Operations** - Thursday, May 2, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Emmons moved that the Senate adjourn.  
The motion prevailed, the time being 10:56 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, May 1, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.