

**No. 49**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Tuesday, May 28, 2002.

12:00 noon.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Senator Walter H. North of the 37th District offered the following invocation:

Last Thursday in this chamber, we had a ceremony to commemorate Memorial Day and our veterans. Yesterday, we had like ceremonies in our home communities. Today, dear Lord, we would ask that You focus on our—not veterans—active duty armed forces people who are in various theaters around the world.

We ask that You grant comfort to the families of those who are either lost or missing in the bridge incident in Oklahoma.

As we, as members of the Senate, deal with financial decisions in the next two weeks, please grant us the courage and the wisdom and the compassion to arrive at solutions that are fair to all.

All of this we ask in Thy name. Amen.

### **Recess**

Senator Emmons moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:03 p.m.

12:27 p.m.

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

During the recess, Senators Miller, Schwarz, DeGrow, Gougeon, Sanborn, Bullard, Bennett, Van Regenmorter, Dunaskiss, Stille, Garcia, Johnson, McCotter, Gast, Hammerstrom, Steil, Sikkema and Goschka entered the Senate Chamber.

A quorum of the Senate was present.

### **Motions and Communications**

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

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

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

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

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

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

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

### **Recess**

Senator Emmons moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:29 p.m.

12:44 p.m.

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

During the recess, Senator Stille introduced to the Senate the 2002 Science Olympiad Teams from Grand Haven High School, White Pines Middle School, and Lake Shore Middle School, and the members of the Grand Haven High School newspaper, *Bucs Blade*.

Senator Stille also introduced Rick Kent, superintendent of Grand Haven Public Schools, and Science Olympiad Team coaches, Mike Reed, Midge Crawford, Rhonda Bird, and Charles Sikkenga.

Senator Stille presented the teams with special tributes.

Messrs. Kent, Reed, and Sikkenga and Mses. Crawford and Bird responded briefly.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 23:  
**House Bill Nos. 4852 4853 5998 6062 6066**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 23, for his approval the following bills:

**Enrolled Senate Bill No. 627 at 2:13 p.m.**

**Enrolled Senate Bill No. 1167 at 2:15 p.m.**

**Enrolled Senate Bill No. 1082 at 2:17 p.m.**

**Enrolled Senate Bill No. 1078 at 2:19 p.m.**

**Enrolled Senate Bill No. 1067 at 2:21 p.m.**

**Enrolled Senate Bill No. 1076 at 2:23 p.m.**

**Enrolled Senate Bill No. 1064 at 2:25 p.m.**

**Enrolled Senate Bill No. 1079 at 2:27 p.m.**

**Enrolled Senate Bill No. 1080 at 2:29 p.m.**

**Enrolled Senate Bill No. 776 at 2:31 p.m.**

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

**Enrolled Senate Bill No. 645 at 3:36 p.m.**

**Enrolled Senate Bill No. 779 at 3:38 p.m.**

**Enrolled Senate Bill No. 1009 at 3:40 p.m.**

The Secretary announced the printing and placement in the members' files on Thursday, May 23, of:

**Senate Bill Nos. 1349 1350 1351 1352 1353 1354 1355 1358 1359 1360**

**House Bill Nos. 6088 6089 6090 6091 6092 6093 6094 6095 6096 6097 6098 6099 6100 6101  
6102 6103 6104 6105 6106 6107 6114**

The Secretary announced the printing and placement in the members' files on Friday, May 24, of:

**Senate Bill Nos. 1356 1357**

**House Bill Nos. 6115 6116 6117 6118 6119 6120 6121 6122 6123 6124 6125 6126 6127  
6128**

### Messages from the Governor

The following messages from the Governor were received:

Date: May 23, 2002

Time: 8:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1043 (Public Act No. 320), being**

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation

cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2000 PA 473. (Filed with the Secretary of State on May 23, 2002, at 1:17 p.m.)

Date: May 23, 2002  
Time: 8:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1049 (Public Act No. 321), being**

An to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16n of chapter XVII (MCL 777.16n), as added by 1998 PA 317.

(Filed with the Secretary of State on May 23, 2002, at 1:19 p.m.)

Date: May 23, 2002  
Time: 8:54 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1019 (Public Act No. 322), being**

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

(Filed with the Secretary of State on May 23, 2002, at 1:21 p.m.)

Date: May 23, 2002  
Time: 8:56 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1025 (Public Act No. 323), being**

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

(Filed with the Secretary of State on May 23, 2002, at 1:23 p.m.)

Date: May 23, 2002  
Time: 10:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1077 (Public Act No. 357), being**

An act to amend 1974 PA 338, entitled "An act to provide for the creation of public economic development corporations; to prescribe their powers and duties; to provide for their dissolution; to provide for the issuance of notes

and other evidence of indebtedness; to provide for the issuance of bonds; to validate bonds, notes, and other evidence of indebtedness; to provide for condemnation of property; to provide for the undertaking of projects relative to the economic development of municipalities; to provide for loans, grants, transfers, and conveyances of funds and property by municipalities, and disbursement of certain funds to public economic development corporations; to provide for the creation of subsidiary neighborhood development corporations by certain economic development corporations; to provide for the receipt by public economic development corporations of funds and property; to provide for industrial and commercial enterprises and for enterprises involved in housing or neighborhood improvement, and furnishings, equipment, and machinery for the industrial and commercial enterprises and housing; to validate the incorporation of de facto economic development corporations and all actions of the de facto corporations; and to provide savings provisions," 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.

(Filed with the Secretary of State on May 23, 2002, at 2:31 p.m.)

Date: May 23, 2002  
Time: 10:08 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1084 (Public Act No. 358), being**

An act to amend 1976 PA 448, entitled "An act to prescribe the powers and duties of municipalities and governmental units to acquire, finance, maintain, and operate generating, transmission, and distribution facilities of electric power and energy, fuel and energy sources and reserves and all necessary related properties, equipment and facilities; to permit the exercise of those powers in joint venture or joint agency agreements; to provide for the issuance of bonds and notes; to prescribe the powers and duties of the municipal finance commission or its successor agency and of certain other state officers and agencies with respect to municipal electric utility financing; to create certain funds and prescribe their operation; to provide for tax exemptions and other exemptions; and to prescribe penalties and provide remedies," by amending section 42 (MCL 460.842), as amended by 1983 PA 120.

(Filed with the Secretary of State on May 23, 2002, at 2:33 p.m.)

Date: May 23, 2002  
Time: 10:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 639 (Public Act No. 359), being**

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

and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 8142 (MCL 500.8142), as amended by 1998 PA 279.

(Filed with the Secretary of State on May 23, 2002, at 2:35 p.m.)

Date: May 24, 2002

Time: 1:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1168 (Public Act No. 380), being**

An act to amend 1974 PA 370, entitled "An act to provide for payments to certain persons who served in the armed forces of the United States, and to beneficiaries of those persons; to prescribe the powers and duties of the adjutant general and other state offices with respect thereto; to provide for the court of claims; to adjudicate appeals; to provide for acceptance of financial and other assistance from the federal government; to create a veterans' military pay fund in the state treasury; to make appropriations; to prescribe penalties for violations of the provisions of this act; 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 thereon; to provide for other matters relating to the bonds and the use of the proceeds of sale of the bonds," by amending section 15 (MCL 35.1035).

(Filed with the Secretary of State on May 24, 2002, at 4:39 p.m.)

Date: May 24, 2002

Time: 1:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1171 (Public Act No. 381), being**

An act to amend 1982 PA 220, entitled "An act to create a Michigan family farm development authority; to define the powers and duties of the authority; to authorize the making and purchase of loans, deferred payment loans, and grants to certain qualified beginning farmers; to provide tax exemptions; to provide for the issuance and purchase of notes and bonds; to provide for the establishment of funds; and to prescribe criminal penalties," by amending section 13 (MCL 285.263), as amended by 1983 PA 68.

(Filed with the Secretary of State on May 24, 2002, at 4:41 p.m.)

Date: May 24, 2002

Time: 1:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1177 (Public Act No. 382), being**

An act to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 8 (MCL 830.418), as amended by 1997 PA 127.

(Filed with the Secretary of State on May 24, 2002, at 4:43 p.m.)

Respectfully,  
John Engler  
Governor

The following messages from the Governor were received and read:

May 24, 2002

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

**Commission on Services to the Aging**

Mr. Elwin M. Johnson, 316 Teft Road, Spring Arbor, Michigan 49283, county of Jackson, as a member representing Republicans and persons over the age of 60, succeeding himself, for a term beginning on July 29, 2002 and expiring on July 28, 2005.

Ms. Christina L. Clark, 3809 Wilder Road, Metamora, Michigan 48455, county of Lapeer, as a member representing Republicans and persons over the age of 60, succeeding herself, for a term beginning on July 29, 2002 and expiring on July 28, 2005.

Dr. Robert W. Littke, 25602 Findley Road, Sturgis, Michigan 49091, county of Saint Joseph, as a member representing Republicans and persons under the age of 60, succeeding Ms. Louise V. Thomas of Kentwood, whose term will expire on July 28, 2002, for a term beginning on July 29, 2002 and expiring on July 28, 2005.

Ms. Liana M. Bachand, 2412 E. Cardinal Drive, Midland, Michigan 48642, county of Midland, as a member representing Independents and persons under the age of 60, succeeding herself, for a term beginning on July 29, 2002 and expiring on July 28, 2005.

Ms. Dona J. Wishart, 545 W. Fourth Street, P.O. Box 2101, Gaylord, Michigan 49735, county of Ostego, as a member representing Republicans and persons under the age of 60, succeeding June Cox of Warren, whose term will expire on July 28, 2002, for a term beginning on July 29, 2002 and expiring on July 28, 2005.

May 24, 2002

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

**State Community Corrections Commission**

Ms. Louise Alderson, 731 Downer Avenue, Lansing, Michigan 48912, county of Ingham, as a member representing district court judges, succeeding The Honorable Maria Luisa Oxholm of Detroit, who has resigned, for a term expiring on March 29, 2005.

May 24, 2002

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

**Board of Real Estate Brokers and Salespersons**

Mr. Thomas F. Kotzian, 14759 Ashton Drive, Shelby Township, Michigan 48315, county of Macomb, as a member representing professionals, succeeding Mr. Leonard S. Elder of Marquette, whose term will expire on June 30, 2002, for a term beginning on July 1, 2002 and expiring on June 30, 2006.

Mr. Robert S. Piper, 2920 Parkside Drive, Flint, Michigan 48503, county of Genesee, as a member representing professionals, succeeding Mr. Dennis R. Goff of DeWitt, whose term will expire on June 30, 2002, for a term beginning on July 1, 2002 and expiring on June 30, 2006.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

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 Steil 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. 1125, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 401. Substitute (S-1).

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

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

**Senate Bill No. 554, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 100c (MCL 330.1100c), as added by 1995 PA 290.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 555, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 204b. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 556, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 2000 PA 273.

Substitute (S-2).

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

1. Amend page 5, line 12, by striking out all of subdivision (E) and inserting:

"(E) SHARE THE COSTS OR RISKS, OR BOTH, OF MANAGING AND PROVIDING PUBLICLY FUNDED MENTAL HEALTH SERVICES WITH OTHER COMMUNITY MENTAL HEALTH SERVICES PROGRAMS THROUGH PARTICIPATION IN RISK POOLING ARRANGEMENTS, REINSURANCE AGREEMENTS, AND OTHER JOINT OR COOPERATIVE ARRANGEMENTS AS PERMITTED BY LAW."

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. 557, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 222 (MCL 330.1222), as amended by 1995 PA 290.

Substitute (S-1).

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

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

**Senate Bill No. 1323, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2834, 2848, 2850, and 2882 (MCL 333.2803, 333.2834, 333.2848, 333.2850, and 333.2882), section 2882 as amended by 1997 PA 54, and by adding sections 16283 and 20189.

Substitute (S-3).

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

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

**Senate Bill No. 1337, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 232b.

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

1. Amend page 1, line 1, after "SHALL" by striking out the balance of the line through the second "TO" on line 3.

2. Amend page 1, line 10, after "PLANS." by inserting "THE STANDARDS ESTABLISHED UNDER THIS SECTION SHALL BE PUBLISHED IN A DEPARTMENTAL BULLETIN OR BY AN UPDATING INSERT TO A DEPARTMENTAL MANUAL."

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

Senator Schuette entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senator Byrum stated that had she been present when the votes were taken on May 22 and May 23 on the passage of the following bills, she would have voted "yea":

**House Bill No. 5138**

**House Bill No. 4625**

**House Bill No. 5892**  
**House Bill No. 5893**  
**Senate Bill No. 1241**  
**Senate Bill No. 1242**  
**House Bill No. 4217**  
**House Bill No. 5475**  
**House Bill No. 5899**  
**House Bill No. 5454**  
**House Bill No. 5521**  
**Senate Bill No. 992**  
**House Bill No. 5237**  
**House Bill No. 5750**  
**House Bill No. 5107**  
**Senate Bill No. 1308**  
**Senate Bill No. 112**  
**Senate Bill No. 1278**

By unanimous consent the Senate returned to the order of

**Introduction and Referral of Bills**

**House Bill No. 4852, entitled**

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to clarify the ownership of certain parcels of property; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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. 4853, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 4 (MCL 21.144) and by adding section 2f.

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. 5998, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2822 and 2843 (MCL 333.2822 and 333.2843).

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 Families, Mental Health and Human Services.

**House Bill No. 6062, entitled**

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 305 (MCL 331.1305), as amended by 1988 PA 502.

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

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

**House Bill No. 6066, entitled**

A bill to amend 2001 PA 63, entitled "History, arts, and libraries act," by amending sections 2 and 21 (MCL 399.702 and 399.721) and by adding sections 7 and 22.

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

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

**Committee Reports**

The Committee on Judiciary reported

**House Bill No. 4090, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1344 (MCL 600.1344), as amended by 1982 PA 226.

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.

The Committee on Judiciary reported

**House Bill No. 4551, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151d.

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.

The Committee on Judiciary reported

**House Bill No. 4552, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 1999 PA 73.

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.

The Committee on Judiciary reported

**House Bill No. 4553, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151e.

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.

The Committee on Judiciary reported

**House Bill No. 4798, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 1999 PA 268 and section 8371 as amended by 1996 PA 388.

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. 5047, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 12a to chapter V.

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. 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.

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.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, May 22, 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 Farming, Agribusiness and Food Systems reported

**House Bill No. 5928, entitled**

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1109, 1119, 3119, 4111, 4117, 6101, 6149, and 7101 (MCL 289.1109, 289.1119, 289.3119, 289.4111, 289.4117, 289.6101, 289.6149, and 289.7101); and to repeal acts and parts of acts.

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.

George A. McManus, Jr.  
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Hart

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 Farming, Agribusiness and Food Systems submitted the following:  
 Meeting held on Wednesday, May 22, 2002, at 1:30 p.m., Room 405, Capitol Building  
 Present: Senators McManus (C), Stille and Hart  
 Excused: Senators Gougeon and Byrum

The Committee on Technology and Energy reported  
**House Bill No. 4080, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540e (MCL 750.540e), as amended by 1988 PA 395.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 1, line 2, after "a" by striking out "communications" and inserting "TELECOMMUNICATIONS SERVICE".
2. Amend page 1, line 8, after "a" by striking out "telephone".
3. Amend page 1, line 8, after "MESSAGE" by inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
4. Amend page 1, line 9, after "by" by striking out the balance of the line through "telegraph" on line 10.
5. Amend page 1, line 10, after "message" by inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
6. Amend page 2, line 4, after the first "a" by striking out the balance of the line through "phone" on line 5 and inserting "TELECOMMUNICATIONS DEVICE AND ANOTHER TELECOMMUNICATIONS DEVICE OR BETWEEN A TELECOMMUNICATIONS DEVICE".
7. Amend page 2, line 6, after "sages" by striking out "by telephone" and inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
8. Amend page 2, line 10, by striking out "telephone".
9. Amend page 2, line 10, after "MESSAGE" by inserting "THROUGH THE USE OF TELECOMMUNICATIONS SERVICE OR DEVICE".
10. Amend page 2, line 20, after "Deliberately" by striking out "calling a telephone" and inserting "ENGAGING OR CAUSING TO ENGAGE THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
11. Amend page 2, line 21, after "in" by striking out "telephone" and inserting "TELECOMMUNICATIONS".
12. Amend page 2, line 22, after "her" by striking out the balance of the line through "service" on line 23 and inserting "TELECOMMUNICATIONS SERVICE OR DEVICE".
13. Amend page 3, following line 2, by inserting:  
 "(3) AS USED IN THIS SECTION, "TELECOMMUNICATIONS", "TELECOMMUNICATIONS SERVICE", AND "TELECOMMUNICATIONS DEVICE" MEAN THOSE TERMS AS DEFINED IN SECTION 540C."

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

Beverly S. Hammerstrom  
 Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Sikkema, Dunaskiss, Leland and Cherry  
 Nays: None

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

The Committee on Technology and Energy reported  
**House Bill No. 5457, entitled**

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 5 (MCL 460.805).

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
 Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Sikkema, Schuette, Dunaskiss, Leland and Cherry  
 Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

**House Bill No. 5458, entitled**

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 44 (MCL 460.844).

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Sikkema, Schuette, Dunaskiss, Leland and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

**House Bill No. 5459, entitled**

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 40 (MCL 460.840).

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Sikkema, Schuette, Dunaskiss, Leland and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, May 22, 2002, at 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

Present: Senators Hammerstrom (C), Sikkema, Schuette, Dunaskiss, Leland and Cherry

Excused: Senator Byrum

The Committee on Financial Services reported

**House Bill No. 5927, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 901, 912, 916, 917a, 918, 922, 938, 942, and 943 (MCL 500.901, 500.912, 500.916, 500.917a, 500.918, 500.922, 500.938, 500.942, and 500.943), sections 901 and 943 as amended and section 917a as added by 1994 PA 226, section 922 as amended by 1991 PA 79, and section 942 as amended by 1984 PA 90, and by adding section 902.

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

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Dunaskiss, Sanborn and Miller

Nays: None

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

The Committee on Financial Services reported

**House Bill No. 5991, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9201 (MCL 440.9201), as amended by 2002 PA 18.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Dunaskiss, Sanborn and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

**House Bill No. 5993, entitled**

A bill to provide for and establish possession and ownership rights in special tools for use in the fabrication of metal parts under certain conditions; to require procedures to establish a lien; and to establish and maintain a lien on certain special tools.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Dunaskiss, Sanborn and Miller

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submitted the following:

Meeting held on Thursday, May 23, 2002, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Bullard (C), Shugars, Dunaskiss, Sanborn and Miller

Excused: Senators Garcia and Leland

The Committee on Government Operations reported

**Senate Bill No. 1240, entitled**

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," by amending section 4 (MCL 124.404).

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.

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: None

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

The Committee on Government Operations reported

**House Bill No. 4642, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509t (MCL 168.509t), as amended by 1998 PA

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Thursday, May, 23, 2002, at 1:00 p.m., Room 110, Farnum Building

Present: Senators McCotter (C), Hammerstrom and Sikkema

Excused: Senators Byrum and Miller

The Committee on Finance reported

**House Bill No. 4454, entitled**

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending sections 3 and 7 (MCL 207.373 and 207.377) and by adding section 11a.

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.

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Garcia

Nays: Senator Peters

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

The Committee on Finance reported

**House Bill No. 5992, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 3 (MCL 205.53), as amended by 1980 PA 164.

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Peters

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, May 23, 2002, at 1:09 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

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

Excused: Senator Byrum

The Committee on Education reported

**Senate Bill No. 1137, entitled**

A bill to authorize the issuance of general obligation bonds of this state to finance infrastructure improvements at Michigan public schools and local sewage treatment improvements; to pledge the full faith and credit of this state for the payment of principal and interest on the bonds; 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 this state.

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.

Loren N. Bennett  
Chairperson

To Report Out:

Yeas: Senators Stille, Peters and Leland

Nays: Senators Bennett and Johnson

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

The Committee on Education reported

**House Bill No. 4237, entitled**

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

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.

Loren N. Bennett  
Chairperson

## To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland

Nays: None

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

The Committee on Education reported

**House Bill No. 4414, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 859, 1053, and 1059 (MCL 380.859, 380.1053, and 380.1059), section 1053 as amended by 1993 PA 9 and section 1059 as amended by 1992 PA 263.

With the recommendation that the bill pass.

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

Loren N. Bennett

Chairperson

## To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

**House Bill No. 4990, entitled**

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

With the recommendation that the bill pass.

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

Loren N. Bennett

Chairperson

## To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

**House Bill No. 4991, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1303 (MCL 380.1303), as amended by 1995 PA 289.

With the recommendation that the bill pass.

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

Loren N. Bennett

Chairperson

## To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, May 22, 2002, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Bennett (C), Johnson, Stille, Peters and Leland

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, May 21, 2002, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Bennett (C), Stille and Leland

Excused: Senators Johnson and Peters

## COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:  
Meeting held on Thursday, May 23, 2002, at 9:10 a.m., Room 210, Farnum Building  
Present: Senators Garcia (C), Shugars, Steil and Scott  
Excused: Senators Goschka, Miller and Vaughn

**Scheduled Meetings**

**Finance** - Wednesday, May 29, 2:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-3760)

**Judiciary** - Wednesday, May 29, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

**Legislative Retirement Board of Trustees** - Wednesday, May 29, 3:00 p.m., Room H-252, Capitol Building (373-0575)

**Transportation and Tourism** - Wednesday, May 29, 9:30 a.m., Room 100, Farnum Building (373-1758)

Senator Emmons moved that the Senate adjourn.  
The motion prevailed, the time being 1:05 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, May 29, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

