

No. 54
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, June 6, 2002.

10:00 a.m.

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

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

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

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

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

Senator Martha G. Scott of the 2nd District offered the following invocation:

O Heavenly Father, we come to You this morning saying “thank you.” Thank You for another day. Thank You for another day and the opportunity to serve in this Legislature. Father, we ask that You bless each and every one of us and our families. Father, we say thank You for all the blessings that You have bestowed upon us.

Father, I just ask You to touch each and every one of the Senators this morning. Lord, let them know that we are here to serve the whole state of Michigan. And, Father, we have a city that is in trouble. We have many cities that are having problems, but there is one today that may not have police service or fire service soon. I’m asking that You touch them today that they will approve a resolution that will allow the state to come in and give some service to that city.

Lord, these people are still paying taxes, and they’re not able to be served as the rest of the state. You said, Lord, when we don’t take care of the least of these, then we’ve done it unto You. So I ask You, Father, to just touch them this morning, and give them the strength and courage that they need to move forward.

Amen.

Senators Young, Leland, Miller, Cherry, Dingell, Peters and Smith entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Bennett, DeGrow, Gast, Goschka, Johnson, Schuette and Sikkema be temporarily excused from today’s session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 5:

House Bill Nos. 4003 4462 4527 4528 5766 5824 6041 6042 6071 6073 6074 6075 6076

The Secretary announced the printing and placement in the members’ files on Wednesday, June 5, of:

Senate Bill Nos. 1371 1372 1373

House Bill Nos. 6157 6158 6159 6160 6161 6162 6163 6164 6165 6166

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

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

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

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

Recess

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

The motion prevailed, the time being 10:05 a.m.

10:27 a.m.

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

During the recess, Senator Byrum introduced to the Senate Geraldine Doyle, whose image was portrayed on the World War II poster of “Rosie the Riveter,” and presented her with the Great Seal of the state of Michigan.

Mrs. Doyle responded briefly.

During the recess, Senators Bennett, DeGrow, Gast, Goschka, Johnson, Schuette and Sikkema entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received:

Date: June 5, 2002

Time: 11:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 989 (Public Act No. 418), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” 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.

(Filed with the Secretary of State on June 5, 2002, at 3:24 p.m.)

Date: June 5, 2002

Time: 12:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 627 (Public Act No. 419), being

An act to amend 1997 PA 16, entitled “An act to regulate the manufacturing and assembling of public playground equipment; and to provide penalties,” by amending section 4 (MCL 408.684), as amended by 1998 PA 137.

(Filed with the Secretary of State on June 5, 2002, at 3:26 p.m.)

Date: June 5, 2002

Time: 12:34 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 645 (Public Act No. 422), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 303, 310e, 319, and 732 (MCL 257.303, 257.310e, 257.319, and 257.732), sections 303 and 319 as amended by 2001 PA 159, section 310e as amended by 2000 PA 456, and section 732 as amended by 2001 PA 134.

(Filed with the Secretary of State on June 5, 2002, at 3:32 p.m.)

Date: June 5, 2002

Time: 12:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1009 (Public Act No. 423), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases

and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 16611 (MCL 333.16611).

(Filed with the Secretary of State on June 5, 2002, at 3:34 p.m.)

Date: June 5, 2002

Time: 12:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1056 (Public Act No. 426), being

An act to repeal 1955 PA 191, entitled “An act authorizing the state highway commissioner of Michigan to enter into negotiations with the Wisconsin state highway commissioner in the preparation of plans, specifications and designs of an interstate bridge extending from First street in Menominee across the Menominee river to Ogden street in Marinette, Wisconsin, and to provide for the cost and expense of such plans, specifications and designs,” (MCL 254.131).

(Filed with the Secretary of State on June 5, 2002, at 3:40 p.m.)

Date: June 5, 2002

Time: 12:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 891 (Public Act No. 428), being

An act 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).

(Filed with the Secretary of State on June 5, 2002, at 3:44 p.m.)

Date: June 5, 2002

Time: 12:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 893 (Public Act No. 429), 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 sections 2123, 2558, 6458, and 6461 (MCL 600.2123, 600.2558, 600.6458, and 600.6461), section 2558 as amended by 1996 PA 214.

(Filed with the Secretary of State on June 5, 2002, at 3:46 p.m.)

Date: June 5, 2002

Time: 12:58 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 917 (Public Act No. 430), being

An act 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).

(Filed with the Secretary of State on June 5, 2002, at 3:48 p.m.)

Respectfully,
John Engler
Governor

Messages from the House

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

Senate Bill No. 1102

Senate Bill No. 991

Senate Bill No. 1314

The motion prevailed.

Senate Bill No. 1062, entitled

A bill to amend 1913 PA 380, entitled “An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act,” by amending section 2 (MCL 123.872), as added by 1985 PA 9.

Substitute (H-1).

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

Senator Emmons offered the following amendment to the substitute:

1. Amend page 2, line 9, after “section 1.” by striking out the balance of the line through “repealed.” on line 10 and inserting “Section 3 of 1913 PA 380, MCL 123.873, is repealed.”.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 717

Yeas—36

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

Nays—0

Excused—1

Vaughn

Not Voting—1

Byrum

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the title as amended.

Senate Bill No. 1099, entitled

A bill to make appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2003; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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. 718

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 question being on concurring in the committee recommendation to give the bill immediate effect,
 Senator Emmons moved that further consideration of the bill be postponed for today.
 The motion prevailed.

Senator Emmons moved that, upon request of the House or Representatives, the Secretary of the Senate be directed to return the following bill to the House:

Senate Bill No. 1099

The motion prevailed.

Senate Bill No. 112, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled “Urban cooperation act of 1967,” by amending sections 2, 3, 4, 10, and 12 (MCL 124.502, 124.503, 124.504, 124.510, and 124.512), section 2 as amended by 1995 PA 108 and section 10 as amended by 1985 PA 10.

(For text of amendment, see Senate Journal No. 53, p. 1513.)

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

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

Roll Call No. 719**Yeas—36**

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

Nays—1

Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

The Senate agreed to the full title.

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

Senate Bill No. 217, entitled

A bill to regulate the servicing, repair, and maintenance of certain appliances and the compensation received by certain persons for those activities; to provide for certain disclosures and warranties regarding those activities; to limit certain representations by service dealers; and to provide for certain remedies.

(For text of amendment, see Senate Journal No. 53, p. 1513.)

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

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

Roll Call No. 720**Yeas—36**

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott

Cherry	Goschka	McManus	Shugars
DeBeaussiaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	Murphy	Smith
Dingell	Hart	North	Steil
Dunaskiss	Hoffman	Peters	Stille
Emerson	Johnson	Sanborn	Van Regenmorter
Emmons	Koivisto	Schuette	Young

Nays—0

Excused—1

Vaughn

Not Voting—1

Byrum

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

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 992, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13p of chapter XVII (MCL 777.13p), as added by 2002 PA 30.

(For text of amendment, see Senate Journal No. 53, p. 1514.)

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

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

Roll Call No. 721

Yeas—37

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussiaert	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 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 moved that he be named co-sponsor of the following bill:

Senate Bill No. 992

The motion prevailed.

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

Senate Bill No. 992

The motion prevailed.

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 927, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 1996 PA 573.

(For text of amendment, see Senate Journal No. 53, p. 1514.)

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

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

Roll Call No. 722**Yeas—36**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	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

Nays—0**Excused—1**

Vaughn

Not Voting—1

Gast

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

Senate Bill No. 928, entitled

A bill to amend 1935 PA 120, entitled “An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police,” by amending section 3 (MCL 28.273), as added by 1985 PA 175.

Substitute (H-3)

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. 723**Yeas—21**

Bennett	Emmons	Johnson	Schwarz
Bullard	Gast	McManus	Sikkema
Byrum	Gougeon	North	Steil
Cherry	Hammerstrom	Peters	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dingell			

Nays—16

DeBeaussiaert	Goschka	McCotter	Scott
Dunaskiss	Hart	Miller	Shugars
Emerson	Koivisto	Murphy	Smith
Garcia	Leland	Sanborn	Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
Senator Hoffman requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 724**Yeas—24**

Bennett
Bullard
Byrum
Cherry
DeGrow
Emerson

Emmons
Garcia
Gast
Gougeon
Hammerstrom
Hoffman

Johnson
McManus
North
Peters
Sanborn
Schuette

Schwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—13

DeBeaussaert
Dingell
Dunaskiss
Goschka

Hart
Koivisto
Leland

McCotter
Miller
Murphy

Scott
Smith
Young

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. 929, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act of 1965," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 31 (MCL 338.821, 338.822, 338.823, 338.824, 338.825, 338.826, 338.827, 338.829, 338.830, 338.831, 338.832, 338.833, 338.834, 338.836, 338.837, 338.838, 338.840, 338.841, 338.842, 338.843, 338.844, 338.845, 338.846, 338.847, 338.848, and 338.851).

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. 725**Yeas—30**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson

Emmons
Gast
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Scott
Sikkema
Smith
Steil
Stille
Van Regenmorter

Nays—7

Dunaskiss
Garcia

Goschka
McCotter

Sanborn
Shugars

Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
Senator Hoffman requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 726**Yeas—33**

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

Nays—4

Dunaskiss	Goschka	Leland	McCotter
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Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Emmons moved that consideration of the following bill be postponed temporarily:

Senate Bill No. 920

The motion prevailed.

Senate Bill No. 425, entitled

A bill to amend 1968 PA 330, entitled “Private security business and security alarm act,” by amending sections 2, 3, 6, 7, 9, 10, 13, 14, 17, 18, 19, 24, 25, 29, and 31 (MCL 338.1052, 338.1053, 338.1056, 338.1057, 338.1059, 338.1060, 338.1063, 338.1064, 338.1067, 338.1068, 338.1069, 338.1074, 338.1075, 338.1079, and 338.1081), sections 2, 3, 6, 7, 9, 10, 14, 17, 18, 19, 25, 29, and 31 as amended by 2000 PA 411.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1968 PA 330, entitled “An act to license and regulate private security guards, private security police, private security guard agencies and security alarm systems servicing, installing, operating, and monitoring; to provide penalties for violations; to protect the general public against unauthorized, unlicensed and unethical operations by individuals engaged in private security activity or security alarm systems sales, installations, service, maintenance, and operations; to establish minimum qualifications for individuals as well as private agencies engaged in the security business and security alarm systems and operations; and to prescribe the powers and duties of the department of state police,” by amending the title and sections 2, 3, 6, 7, 9, 10, 13, 14, 17, 18, 19, 24, 25, 29, and 31 (MCL 338.1052, 338.1053, 338.1056, 338.1057, 338.1059, 338.1060, 338.1063, 338.1064, 338.1067, 338.1068, 338.1069, 338.1074, 338.1075, 338.1079, and 338.1081), the title and sections 2, 3, 6, 7, 9, 10, 14, 17, 18, 19, 25, 29, and 31 as amended by 2000 PA 411.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

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. 727**Yeas—28**

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

Nays—9

Dunaskiss	McCotter	Sanborn	Shugars
Garcia	Murphy	Scott	Young
Goschka			

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

The Senate agreed to the title as amended.

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

By unanimous consent the Senate proceeded to the order of
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 Bullard as Chairperson.

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

House Bill No. 5896, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 12a (MCL 125.2162a), as added by 2000 PA 248.

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

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

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. Substitute (S-1).

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

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

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, 16908, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, 324.16908, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17 and section 16908 as amended by 1995 PA 268; and to repeal acts and parts of acts.

Substitute (S-4).

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

1. Amend page 5, line 2, after "OPERATION" by inserting "OR IS INTENDED FOR".
2. Amend page 5, following line 26, by inserting:

"(P) "SOLID WASTE HAULER" MEANS A SOLID WASTE HAULER AS DEFINED IN PART 115 WHO TRANSPORTS LESS THAN 25% BY WEIGHT OR VOLUME OF SCRAP TIRES ALONG WITH OTHER SOLID WASTE IN ANY TRUCKLOAD." and relettering the remaining subdivisions.

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. 5383, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of

certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 1b, 10c, 10h, 11, 11c, 12, 18e, and 20a (MCL 247.651b, 247.660c, 247.660h, 247.661, 247.661c, 247.662, 247.668e, and 247.670a), section 1b as amended by 1989 PA 188, section 10c as amended by 1990 PA 73, section 10h as amended by 1982 PA 438, section 11 as amended by 2000 PA 188, sections 11c and 12 as amended by 1997 PA 79, and section 18e as amended by 1985 PA 201, and by adding section 10p.

Substitute (S-2).

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

1. Amend page 54, line 21, after "year." by inserting "THE STATE TRANSPORTATION COMMISSION SHALL CERTIFY, WHICH CERTIFICATION SHALL, FOR PURPOSES OF THE VALIDITY OF BONDS, NOTES, OR OTHER CERTIFICATION, TO THE STATE TREASURY ON OR BEFORE THE ISSUANCE OF ANY BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED AFTER DECEMBER 31, 2001, PURSUANT TO SECTION 18B(9) IN ANTICIPATION OF THE RECEIPT OF GRANTS FROM THE UNITED STATES OR ANY AGENCY OR INSTRUMENTALITY OF THE UNITED STATES FOR DISTRIBUTIONS TO THE CREDIT OF THE STATE TRUNK LINE FUND, AND NOT PAYABLE FROM TAXES DEPOSITED IN THE STATE TRUNK LINE FUND, FOR PURPOSES OTHER THAN THE PRESERVATION OF HIGHWAYS, ROADS, STREETS, AND BRIDGES AND FOR PURPOSES OTHER THAN THE PURPOSES SPECIFIED IN SECTION 11(2)(B), (C), (F), AND (I), THAT ITS AVERAGE ANNUAL DEBT SERVICE REQUIREMENTS FOR ALL BONDS, NOTES, AND OTHER OBLIGATIONS, OR PORTIONS OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED AFTER DECEMBER 31, 2001, PURSUANT TO SECTION 18B(9) AND NOT PAYABLE FROM TAXES DEPOSITED IN THE STATE TRUNK LINE FUND, FOR PURPOSES OTHER THAN THE PRESERVATION OF HIGHWAYS, ROADS, STREETS, AND BRIDGES AND OTHER THAN THE PURPOSES SPECIFIED IN SECTION 11(2)(B), (C), (F), AND (I), INCLUDING THE BONDS, NOTES, OR OTHER OBLIGATIONS TO BE ISSUED, DO NOT EXCEED 10% OF THE FEDERAL REVENUE DISTRIBUTED TO THE CREDIT OF THE STATE TRUNK LINE FUND DURING THE LAST COMPLETED STATE FISCAL YEAR."

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. 5396, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 9a (MCL 247.659a), as amended by 1998 PA 308.

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.

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

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 5380

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

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

House Bill No. 5380

House Bill No. 5587

House Bill No. 5860

Senate Bill No. 1353

Senate Bill No. 1354

House Bill No. 5991

House Bill No. 5993

House Bill No. 5336

Senate Bill No. 1359

House Bill No. 6062

House Bill No. 5807

House Bill No. 5889

House Bill No. 5360

House Bill No. 5361

House Bill No. 5362

Senate Bill No. 1315

Senate Bill No. 1316

The motion prevailed.

The following bill was read a third time:

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, 16908, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, 324.16908, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17 and section 16908 as amended by 1995 PA 268, and by adding sections 16903b and 16903c; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 728

Yeas—35

Bennett
 Bullard
 Byrum
 Cherry
 DeBeaussaert
 DeGrow
 Dingell
 Dunaskiss
 Emerson

Emmons
 Garcia
 Goschka
 Gougeon
 Hart
 Hoffman
 Johnson
 Koivisto
 Leland

McCotter
 McManus
 Miller
 Murphy
 North
 Peters
 Sanborn
 Schuette
 Schwarz

Scott
 Shugars
 Sikkema
 Smith
 Steil
 Stille
 Van Regenmorter
 Young

Nays—1

Hammerstrom

Excused—1

Vaughn

Not Voting—1

Gast

In The Chair: Schwarz

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

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5587, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 44 (MCL 211.44), as amended by 2000 PA 364.

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. 729**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 question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to provide for the 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.”.

The Senate agreed to the full title.

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

House Bill No. 5591

The motion prevailed.

The following bill was read a third time:

House Bill No. 5591, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 471 (MCL 206.471), as amended by 1996 PA 484.

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. 730**Yeas—36**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	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	Schuetten	Young

Nays—0**Excused—1**

Vaughn

Not Voting—1

Gast

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to 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,”.

The Senate agreed to the full title.

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

The following bill was read a third time:

House Bill No. 5860, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 42a (MCL 211.42a), as amended by 1994 PA 415.

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. 731

Yeas—36

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	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

Nays—0

Excused—2

Gast

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to provide for the 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.”.

The Senate agreed to the full title.

Senator Gast entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1353, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 438.

The question being on the passage of the bill,

Senator Stille offered the following amendment:

1. Amend page 2, line 14, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless either of the following bills of the 91st Legislature is enacted into law:

(a) Senate Bill No. 1354.

(b) House Bill No. 6120.”.

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

The question being on the passage of the bill,

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

Roll Call No. 732

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 Byrum, North, Miller, McManus, Koivisto, Peters, Hart, Gougeon, Smith, Murphy, Hoffman, Goschka, Sanborn, Bullard, Steil, Shugars, Garcia, Van Regenmorter, Sikkema, and Scott moved that they be named co-sponsors of the bill.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1354, entitled

A bill to establish the Amanda's fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

The question being on the passage of the bill,

Senator Stille offered the following amendment:

1. Amend page 3, line 22, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless either of the following bills of the 91st Legislature is enacted into law:

(a) Senate Bill No. 1353.

(b) House Bill No. 6119.”.

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

The question being on the passage of the bill,

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

Roll Call No. 733

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 Shugars, North, Smith, Gougeon, McManus, Koivisto, Young, Miller, Peters, Hart, Murphy, Steil, Hoffman, Goschka, Sanborn, Van Regenmorter, Sikkema, Dunaskiss, Schuette and Garcia moved that they be named co-sponsors of the bill.

The motion prevailed.

The following bill was read a third time:

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.

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. 734**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 question being on concurring in the committee recommendation to give the bill immediate effect,

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

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

“An act to enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 735**Yeas—36**

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema

DeBeaussaert
Dingell
Dunaskiss
Emerson
Emmons

Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Murphy
North
Peters
Sanborn
Schuette

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—1

DeGrow

In The Chair: Schwarz

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Senator DeGrow entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5336, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending sections 6, 12, 14, and 25 (MCL 397.176, 397.182, 397.184, and 397.195), and by adding section 25a.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendments:

1. Amend page 5, line 20, after "MAY" by striking out "BE CHANGED TO REDUCE" and inserting "CHANGE".
2. Amend page 5, line 23, after the first "the" by striking out "REDUCTION" and inserting "CHANGE".

The amendments were 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. 736

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman

Leland
McCotter
McManus
Miller
Murphy
North
Peters

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille

Dunaskiss
Emerson
Emmons

Johnson
Koivisto

Sanborn
Schuette

Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1359, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 25a and 36a (MCL 791.225a and 791.236a), section 25a as added by 1993 PA 184 and section 36a as amended by 1993 PA 346.

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. 737

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

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:

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 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. 738**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 Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to authorize certain local governmental units to incorporate municipal health facilities corporations and subsidiary municipal health facilities corporations for establishing, modifying, operating, and managing health services and acquiring, constructing, adding to, repairing, remodeling, renovating, equipping, and re-equipping hospitals and other health care facilities and related purposes; to provide for the application of this act to existing municipal hospitals and for the transfer of ownership of hospital funds and personal property; to validate and ratify the existence, organization, actions, proceedings, and board membership of existing organizations acting as county public hospitals; to provide for the appointment of trustees; to grant certain powers of a public body corporate to health facilities corporations and subsidiary health facilities corporations; to empower certain local governmental units to encumber property for the benefit of, transfer or make property available to, issue bonds to construct facilities to be used by, appropriate funds for, and levy a tax for, municipal health facilities corporations and subsidiary municipal health

facilities corporations; to empower certain local governmental units to guarantee obligations of municipal health facilities corporations and subsidiary municipal health facilities corporations and to permit certain local governmental units to pledge their full faith and credit to pay such guaranties; to provide for transfer of ownership or operation of health care facilities and health services to nonprofit health care organizations; to authorize municipal health facilities corporations and subsidiary municipal health facilities corporations to borrow money and issue notes for the purposes of meeting expenses of operation and to issue corporation obligations for the purpose of acquisition, construction, repair, remodeling, equipping or re-equipping of health care facilities and for the refinancing, refunding, or refunding in advance of indebtedness of the municipal health facilities corporations or the subsidiary municipal health facilities corporations or of indebtedness of certain local governmental units undertaken on their behalf; to authorize municipal health facilities corporations and subsidiary municipal health facilities corporations to enter into mortgages, deeds of trust, and other agreements for security which may include provisions for the appointment of receivers; to exempt obligations and property of municipal health facilities corporations and subsidiary municipal health facilities corporations from taxation; and to provide other rights, powers, and duties of municipal health facilities corporations and subsidiary municipal health facilities corporations;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5807, entitled

A bill to amend 1990 PA 345, entitled “State survey and remonumentation act,” by amending sections 8 and 12 (MCL 54.268 and 54.272), as amended by 1998 PA 5.

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. 739

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 Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to create a state survey and remonumentation commission and to prescribe its powers and duties; to provide for the appointment of an executive director; to provide for a contract for the services of a state geodetic advisor; to create the state survey and remonumentation fund and to provide for its use; to coordinate and implement the

monumentation and remonumentation of property controlling corners in this state and coordinate the establishment of geographic information systems; and to provide for certain powers and duties of certain state and local officers and agencies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5889, entitled

A bill to amend 1955 PA 10, entitled “An act to provide for the registration of historic sites,” by amending the title and sections 1 and 2 (MCL 399.151 and 399.152) and by adding sections 3, 4, 5, 6, 7, 8, 9, and 10.

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. 740

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 Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5360, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 251 (MCL 257.251), as amended by 2000 PA 397.

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. 741

Yeas—37

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott

Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5361, entitled

A bill to amend 1974 PA 300, entitled “Motor vehicle service and repair act,” by amending section 17 (MCL 257.1317), as amended by 1988 PA 254.

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. 742

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart

Leland
McCotter
McManus
Miller
Murphy
North

Schwarz
Scott
Shugars
Sikkema
Smith
Steil

Dingell
Dunaskiss
Emerson
Emmons

Hoffman
Johnson
Koivisto

Peters
Sanborn
Schuette

Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to regulate the practice of servicing and repairing motor vehicles; to proscribe unfair and deceptive practices; to provide for training and certification of mechanics; to provide for the registration of motor vehicle repair facilities; to provide for enforcement; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5362, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 803 (MCL 257.803).

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. 743

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Emmons moved that the enrollment be vacated on the following bill:

Senate Bill No. 928

The motion prevailed.

Senator Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Koivisto and North introduced

Senate Bill No. 1375, entitled

A bill to allow the state to amend certain deeds.

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. 4003, entitled

A bill to regulate the installation, alteration, maintenance, improvement, and inspection of plumbing; to provide certain powers and duties for certain state agencies and departments; to create a plumbing board; to define plumbing, plumbing contractors, and the classification of plumbers and to set standards for those classifications; to provide for the licensing and regulation of classes of plumbers and plumbing contractors; to prescribe fees and the disposition of money derived from those fees; to provide for the promulgation of rules; to prescribe remedies and penalties; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

House Bill No. 4462, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2002 PA 191.

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 Appropriations.

House Bill No. 4527, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82131 (MCL 324.82131), as added by 1995 PA 58.

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. 4528, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 82123a.

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. 5766, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 24 (MCL 205.24), as amended by 2001 PA 168.

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. 5824, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 527a (MCL 206.30 and 206.527a), section 30 as amended by 2000 PA 400 and section 527a as amended by 2001 PA 169.

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. 6041, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 6d to chapter V.

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. 6042, entitled

A bill to amend 1937 PA 144, entitled "Uniform criminal extradition act," by amending sections 6, 15, 16, 18, and 25 (MCL 780.6, 780.15, 780.16, 780.18, and 780.25) and by adding section 23a.

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. 6071, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8a (MCL 125.2688a), 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 Finance.

House Bill No. 6073, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39e. 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. 6074, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9i. 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. 6075, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa. 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. 6076, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4w. 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.

By unanimous consent the Senate returned to the order of

Resolutions

Senators Scott, North, Young, Dingell, DeBeaussiaert, Peters, Smith, Hart, Emerson, Cherry, Murphy, Byrum, Miller, Bullard, Hammerstrom, Goschka and Leland offered the following resolution:

Senate Resolution No. 234.

A resolution urging the Governor to mobilize Michigan National Guard personnel to staff the Highland Park Fire Department.

Whereas, The state of Michigan has at its disposal over 11,000 National Guard personnel. In addition to its federal role as a reserve force for the Army and Air Force, the Michigan National Guard has a state mission to protect the lives and property of Michigan citizens during times of natural disaster and to preserve the peace, order, and public safety at the direction of the Governor; and

Whereas, The city of Highland Park is facing a financial crisis that has left city fire stations vacant. This condition, if allowed to continue, will threaten the lives, homes, and businesses of over 16,000 city residents. City residents who call 911 for assistance may need to wait for fire personnel from a neighboring community to respond. When minutes are crucial, these citizens stand to lose all that they cherish and have worked a lifetime to build. Timely response by fire personnel based within the community is vital to public safety; and

Whereas, Skilled, disciplined, and dedicated citizens enlisted in the National Guard to protect their nation, state, and neighbors. The National Guard is a state asset uniquely qualified to solve this fire department staffing problem in the short term, until the people and government of Highland Park can resolve their financial difficulties. The Governor should identify units and individuals in the Michigan National Guard suitable for this mission and exercise his constitutional authority as commander-in-chief to protect the public safety of the residents of Highland Park; now, therefore, be it

Resolved by the Senate, That we urge the Governor to mobilize Michigan National Guard personnel to staff the Highland Park Fire Department; and be it further

Resolved, That copies of this resolution be transmitted to the Governor and Adjutant General of the Department of Military and Veterans Affairs.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

Recess

Senator Emmons moved that the Senate recess until 2:00 p.m.
The motion prevailed, the time being 12:15 p.m.

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

By unanimous consent the Senate proceeded to the order of
Statements

A moment of silence was observed in memory of the Allied Forces at Normandy on D-Day during World War II.

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

The motion prevailed.

Senator Scott's statement is as follows:

On yesterday, one of the high schools from my district, Pershing High School, was here, and as you know, Ms. Bonique Johnson performed for us. I didn't have all the names at that time, so I would like to add the other names of the students, who were Hodari P.T. Brown, an eleventh grader—by the way, these are all honor students belonging to the National Honor Society—Natasha Coffee, who is an eleventh grader; of course, Bonique Johnson is a twelfth grader who is going to attend Michigan State University in the fall; Brandon Barnes is an eleventh grader; Ishmael King, eleventh grader; Sheneba King, a ninth grade student; Shenika Sanchez, an eleventh grader; Christopher Clark, a ninth grader; Krystle Caldwell, eleventh grader; Jackquelyn Brown, eleventh grader; Tanyetta Boone, a twelfth grader; Tiffany Montgomery, eleventh grader; Dominique Austin, eleventh grader; and Sheena McMurrian is an eleventh grader. So I would like for those to be added to the list of those who came yesterday.

Also I would just like to say I had a resolution today that I had hoped that the Senate would take up. I even asked God to intervene for me this morning, but I see we don't always listen to Him either. So I would hope, though, however, that my colleagues would understand that within a week, we will probably not have police or fire service, so I would hope that the state of Michigan would come in and help. And I also have a letter here which was dated even back in February, where Sheriff O'Connell did come in with some county sheriffs, but they're also asking that the State Police come in and help them intervene.

So I would hope that we would just reassess our hearts if we got one up here, you know, to just understand that we're here to help all the communities in this state because we do spend their dollars as we see fit up here. People are still paying taxes, and if they're going to pay taxes, we ought to be able to give them some type of service.

I thank you.

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

The following bill was read a third time:

Senate Bill No. 1315, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8a (MCL 125.2688a), as amended by 2000 PA 259.

The question being on the passage of the bill,

Senator Smith offered the following amendments:

1. Amend page 2, line 7, after "boundaries." by inserting "WITHOUT USING 1 OF THE ADDITIONAL RENAISSANCE ZONES DESCRIBED IN THIS SUBSECTION, THE BOARD MAY DESIGNATE AN EXISTING RENAISSANCE ZONE AS THE ALTERNATIVE ENERGY ZONE. IF THE BOARD DESIGNATES AN EXISTING RENAISSANCE ZONE AS THE ALTERNATIVE ENERGY ZONE, THE BOARD OF THE STRATEGIC FUND SHALL NOT DESIGNATE AN ALTERNATIVE ENERGY ZONE UNDER THIS SUBSECTION. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,".

2. Amend page 2, line 16, after "FUND." by inserting "IF THE BOARD OF THE MICHIGAN STRATEGIC FUND DESIGNATES AN ALTERNATIVE ENERGY ZONE UNDER THIS SUBSECTION, THE ALTERNATIVE ENERGY ZONE SHALL BE LOCATED IN 1 OF THE FOLLOWING:

(A) A CITY LOCATED IN A COUNTY WITH A POPULATION GREATER THAN 2,000,000.

(B) A CITY WITH A POPULATION GREATER THAN 50,000, THAT IS A LOCAL GOVERNMENTAL UNIT ELIGIBLE TO HAVE A NEIGHBORHOOD ENTERPRISE ZONE UNDER THE NEIGHBORHOOD ENTERPRISE ZONE ACT, 1992 PA 147, MCL 207.771 TO 207.786.”.

The amendments were not adopted, a majority of the members serving not 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. 744

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: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1316, entitled

A bill to create and provide for the operation of the Michigan next energy authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to authorize the conveyance of state land and to confer authority and jurisdiction over state land to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property; to promote alternative energy technology and economic growth; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to provide for the conveyance of land transferred to the authority; to allow for the creation of a center to manage the authority’s land; to convey state land; and to exempt property, income, and operations of an authority from tax.

The question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 14, line 6, after “board” by striking out “may” and inserting “shall”.
2. Amend page 14, line 8, after “board” by striking out “may” and inserting “shall”.

The amendments were adopted, a majority of the members serving voting therefor.

Senator Byrum offered the following amendment:

1. Amend page 15, line 3, by striking out all of line 3 through “period.” on line 7.

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

Senator Cherry offered the following amendments:

1. Amend page 9, following line 6, by inserting:

“(cc) “Personal property” means, except as used in section 7(3), personal property located or intended to be used in the alternative energy technology park.” and renumbering the remaining subdivisions.

2. Amend page 9, line 19, after “facilities” by inserting “inside the alternative energy technology park”.

3. Amend page 9, line 23, after “land” by inserting “inside the alternative energy technology park”.

4. Amend page 10, following line 4, by inserting:

“(ff) “Property” means real or personal property.

(gg) “Real property” means, except as used in section 7(3), real property located in the alternative energy technology park.” and relettering the remaining subdivisions.

5. Amend page 20, line 18, after “property” by inserting “inside the alternative energy technology park”.

6. Amend page 20, line 21, after “located” by inserting “inside the alternative energy technology park”.

7. Amend page 23, line 12, after “following” by inserting “personal”.

8. Amend page 23, line 14, after “following” by inserting “personal”.

9. Amend page 25, following line 22, by inserting:

“(3) The authority shall not acquire, own, purchase, lease, develop, or otherwise possess an interest in real property located outside of the alternative energy technology park or personal property not intended to be used in the alternative energy technology park.”.

10. Amend page 25, line 26, after “authority” by inserting “inside the alternative energy technology park”.

The amendments were adopted, a majority of the members serving voting therefor.

Senator Peters offered the following amendment:

1. Amend page 11, line 16, after “shall” by inserting “serve at the pleasure of the governor and shall”.

The question being on the adoption of the amendment,

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 745

Yeas—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Nays—23

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Peters offered the following amendments:

1. Amend page 23, line 12, after “The” by striking out “authority” and inserting “department of treasury”.
2. Amend page 24, line 14, after “The” by striking out “authority” and inserting “department of treasury”.
3. Amend page 24, line 23, after “The” by striking out “authority” and inserting “department of treasury”.

The question being on the adoption of the amendments,

Senator Peters requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 746

Yeas—13

Byrum
Cherry
DeBeaussiaert
Dingell

Emerson
Hart
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Nays—24

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

Koivisto
McCotter
McManus
North
Sanborn
Schuette

Schwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

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. 747

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communications were received and read:
Office of the Senate Majority Leader

May 30, 2002

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the following conference committees:

Senate Bill 1104	Senator Bennett (Chair)
	Senator Gast
	Senator DeBeaussaert

Senate Bill 1106	Senator McManus (Chair)
	Senator Gast
	Senator Koivisto

May 30, 2002

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the following conference committees:

House Bill 5642	Senator McManus
	Senator Gast
	Senator Koivisto

House Bill 5650	Senator Hoffman
	Senator North
	Senator Dingell

House Bill 5651	Senator Hoffman
	Senator Goschka
	Senator Young

House Bill 5645	Senator Goschka
	Senator Gougeon
	Senator Murphy

June 6, 2002

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the following conference committee:

Senate Bill 1101	Senator Gougeon (Chair)
	Senator DeGrow
	Senator Smith

Sincerely,
Dan L. DeGrow
Senate Majority Leader

The communications were referred to the Secretary for record.

Senator Emmons moved that the Committee on Appropriations be discharged from further consideration of the following bill:

House Bill No. 5727, entitled

A bill to amend 1971 PA 140, entitled “Glenn Steil state revenue sharing act of 1971,” by amending section 17a (MCL 141.917a), as amended by 1987 PA 283.

On which motion Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 748

Yeas—23

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Sanborn	Stille
Emmons	Hoffman	Schuette	Van Regenmorter
Garcia	Johnson	Schwarz	

Nays—14

Byrum	Emerson	Miller	Scott
Cherry	Hart	Murphy	Smith
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland		

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

The bill was placed on the order of General Orders.

The President pro tempore, Senator Schwarz, resumed the Chair.

By unanimous consent the Senate returned to the order of

Messages from the House

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 920, entitled

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

Substitute (H-2).

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

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

Roll Call No. 749**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	Schuetten	Young
Emmons			

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Senator Emmons moved that when the Senate adjourns today, it stand adjourned until Tuesday, June 18, at 12:00 noon.
 The motion prevailed.

Committee Reports

The Committee on Government Operations reported

House Bill No. 4915, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

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, Sikkema, Byrum and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

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.

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, Sikkema, Byrum and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Bill No. 611, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16263 (MCL 333.16263), as amended by 2000 PA 11, and by adding section 16336 and part 179.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Sanborn, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submitted the following:

Meeting held on Tuesday, June 4, 2002, at 1:30 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), Sanborn, Leland and Peters

Excused: Senator McCotter

The Committee on Families, Mental Health and Human Services reported

House Bill No. 6005, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 230 (MCL 418.230), as amended by 2000 PA 396.

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, Gougeon, Goschka, Johnson and Sanborn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 6020, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending the title and sections 2 and 8a (MCL 552.452 and 552.458a), the title as amended by 1990 PA 237, section 2 as amended by 2001 PA 111, and section 8a as added by 1999 PA 158.

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, Gougeon, Goschka, Johnson and Sanborn

Nays: None

The bill was 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 Tuesday, June 4, 2002, at 2:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

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

Excused: Senator Hart

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 3:01 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, June 18, at 12:00 noon.

CAROL MOREY VIVENTI

Secretary of the Senate.

