

No. 87
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, December 6, 2001.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

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—excused
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—excused
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Dianne Byrum of the 25th District offered the following invocation:

As we take a moment at the beginning of our Senate session for prayer and personal reflection, let us remember the words of Mother Theresa: "There is a light in this world, a healing spirit more powerful than any other. Sometimes we lose sight of this when there is suffering and too much pain. Then suddenly the spirit emerges through the lives of ordinary people who hear a call and answer in extraordinary ways." Amen.

Motions and Communications

Senator Emmons moved that Senators DeGrow, Garcia and Schwarz be temporarily excused from today's session. The motion prevailed.

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

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

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

Senators DeGrow, Schwarz, Murphy and Scott entered the Senate Chamber.

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

House Bill Nos. 4300 4759 5047 5436

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

House Bill No. 5479

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator DeBeaussaert 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 President.

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

10:15 a.m.

The Senate was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators DeBeaussaert and Sanborn introduced to the Senate the Chippewa Valley High School Big Reds Football Team of Clinton Township, 2001 Michigan High School Athletic Association Division II State Champions, and presented them with Senate Resolution No. 139.

Head Coach Mike Carr responded briefly.

Messages from the Governor

The following messages from the Governor were received and read:

December 5, 2001

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

Commission for the Blind

Ms. Peeti L. Greene, 1223 San Juan Drive, Flint, Michigan 48504, county of Genesee, as a member representing blind persons, succeeding herself, for a term expiring on September 30, 2004.

Ms. Barbara A. Thomas, 5827 Cherry Crest Drive, West Bloomfield, Michigan 48322, county of Oakland, as a member representing the general public, succeeding Dr. Velma Perkins Allen of Flint, whose term has expired, for a term expiring on September 30, 2004.

December 5, 2001

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

Electrical Administrative Board

Mr. Dennis Allan Chalmers, 30457 Brush, Madison Heights, Michigan 48071, county of Oakland, as a member representing journeymen electricians, succeeding himself, for a term expiring on August 10, 2004.

Ms. Cynthia Czarniecki-Brown, 1205 Watson, SW, Grand Rapids, Michigan 49504, county of Kent, as a member representing master electricians, succeeding herself, for a term expiring on August 10, 2004.

Ms. Debra L. Perkins, 3215 Cedarbrook, Lansing, Michigan 48910, county of Ingham, as a member representing parts distributors, succeeding himself, for a term expiring on August 10, 2004.

Ms. Thelma P. Dobson, 25348 Arden Park Drive, Farmington Hills, Michigan 48336, county of Oakland, as a member representing utilities, succeeding Ms. Claudia R. Gabay of Commerce Township, who has resigned, for a term expiring on August 10, 2002.

December 5, 2001

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

State Higher Education Facilities Commission

Mr. William J. Cochran, 425 Woodland Pass, East Lansing, Michigan 48823-2025, county of Ingham, as a member representing the general public, succeeding Mrs. Sharon E. Eineman of Mount Clemens, whose term has expired, for a term expiring on May 22, 2002.

Dr. Marylee Davis, 6371 Island Lake Drive, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding Ms. Ana Y. McCune of Detroit, whose term has expired, for a term expiring on May 22, 2003.

Mr. James N. Goenner, 313 Four Square Drive, Mount Pleasant, Michigan 48858, county of Isabella, as a member representing public colleges/universities, succeeding Mr. Vernon Payne of Kalamazoo, whose term has expired, for a term expiring on May 22, 2004.

Mr. Matthew Michael Milosch, 7275 Edinburgh Drive, Lambertville, Michigan 48144, county of Monroe, as a member representing the general public, succeeding Dr. Nicholas J. DeGrazia of Burtchville, whose term has expired, for a term expiring on May 22, 2003.

Mr. R. Miles Handy II, 14986 Fox, Redford, Michigan 48239, county of Wayne, as a member representing the general public, succeeding Mr. William J. Cochran of East Lansing, whose term has expired, for a term expiring on May 22, 2004.

December 5, 2001

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

Oakland University Board of Trustees

Dr. Linda S. Hotchkiss, 1003 Three Mile Drive, Grosse Pointe Park, Michigan 48230, county of Wayne, as a member representing the general public, succeeding Mr. Robert N. Cooper of Heathrow, who has resigned, for a term expiring on August 11, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

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

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

Senate Bill No. 871

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

Senator Garcia entered the Senate Chamber.

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, Lieutenant Governor Posthumus, designated Senator North as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5038, entitled

A bill to amend 1959 PA 168, entitled "An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies," by amending sections 1, 6, 7, 8, 9, and 10 (MCL 125.321, 125.326, 125.327, 125.328, 125.329, and 125.330), section 6 as amended by 1987 PA 73 and section 9 as amended by 1999 PA 197, and by adding sections 7a and 7b.

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. 5252, entitled

A bill to amend 1945 PA 282, entitled "An act to provide for county planning; the creation, organization, powers and duties of county planning commissions," by amending sections 4 and 5 (MCL 125.104 and 125.105) and by adding sections 4b, 4c, and 15.

Substitute (S-1).

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

1. Amend page 3, line 3, after "A" by striking out "POLICY-BASED" and inserting "GENERAL".

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. 5267, entitled

A bill to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending sections 1, 6, and 8 (MCL 125.31, 125.36, and 125.38), section 1 as amended by 1997 PA 18 and section 8 as amended by 1999 PA 14, and by adding sections 7a, 7b, and 8a.

Substitute (S-1).

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

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

Senate Bill No. 871, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12522 (MCL 333.12522).

Substitute (S-1).

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

1. Amend page 2, line 11, after "REMOVED" by inserting a comma and "CORDONED OFF, OR OTHERWISE MADE INACCESSIBLE".

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.

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

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

Senator Emmons moved that the following bills be placed at the head of the Third Reading of Bills calendar:
House Bill No. 4621
Senate Bill No. 527
The motion prevailed.

The following bill was read a third time:
House Bill No. 4621, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 9, 10, 11, and 12 (MCL 207.772, 207.773, 207.779, 207.780, 207.781, and 207.782), section 9 as amended by 1996 PA 449, section 10 as amended by 2001 PA 158, and section 12 as amended by 1994 PA 391; 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. 539

Yeas—34

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

Nays—0

Excused—4

Bullard	Hart	Steil	Vaughn
---------	------	-------	--------

Not Voting—0

In The Chair: President

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 development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 527, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 205 (MCL 436.1205), as amended by 1998 PA 416, and by adding section 206.

The question being on the passage of the bill,

Senator Schuette offered the following amendments:

1. Amend page 3, line 7, after the second “NOT” by inserting “SELL OR”.
2. Amend page 3, line 7, after “WAS” by inserting “APPOINTED TO SELL AND WAS ACTIVELY”.
3. Amend page 3, line 7, after the second “1996” by inserting a comma and “OR UNLESS THE SALE AND APPOINTMENT IS THE RESULT OF AN ACQUISITION, PURCHASE, OR MERGER WITH THE EXISTING WHOLESALER WHO WAS SELLING THAT BRAND TO A RETAILER IN THAT COUNTY OR PART OF THAT COUNTY PRIOR TO SEPTEMBER 24, 1996”.

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. 540

Yeas—34

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

Nays—0

Excused—4

Bullard	Hart	Steil	Vaughn
---------	------	-------	--------

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

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

Senate Resolution No. 144

Senate Resolution No. 145

The resolution consent calendar was adopted.

Senators Garcia, Shugars and Sanborn offered the following resolution:

Senate Resolution No. 144.

A resolution commemorating December 7, 2001, as the Sixtieth Anniversary of the attack on Pearl Harbor and honoring the men and women who were there.

Whereas, December 7, 1941, "a date that will live in infamy," is now an event that happened over half a century ago. Many people who were there are still alive. Those who are alive still remember, especially the military survivors of the attack. These courageous heroes are now members of the Michigan Pearl Harbor Survivors Association. Many of those who were aboard the *USS Arizona* are still within its rusted hulk. Just as the *USS Arizona* never gave up her dead, she also never gave up her commission; and

Whereas, Still a part of the United States Pacific Fleet, the *USS Arizona* is a visible reminder of the treachery that thundered out of the sky on that early Sunday morning. Today, a stark white concrete shrine rests on the corroded and protruding parts of this once proud battleship, and aboard, in hushed tones, people once divided by war are united as they honor those who are entombed beneath them; and

Whereas, As we reach the sixty-year mark on our journey in time away from that fateful day, it is most fitting that we solemnly remember the men and women service personnel and civilians who perished during the attack and its aftermath, as well as those who survived. They were the first in a long line of brave souls to whom we owe a great debt for the liberty we enjoy today; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be hereby accorded to commemorate December 7, 2001, as the Sixtieth Anniversary of the attack on Pearl Harbor and to honor the men and women who gave their all that we might live in freedom; and be it further

Resolved, That a copy of this resolution be transmitted to the members of the Michigan Pearl Harbor Survivors Association as a reflection of our enduring gratitude.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senator McCotter offered the following resolution:

Senate Resolution No. 145.

A resolution honoring the memory of George Harold Harrison, M.B.E.

Whereas, George Harold Harrison was one of four children who was born on February 25, 1943, in Liverpool, England, to Harold Harrison, a bus driver, and Louise Harrison, a housewife; and

Whereas, The music career of George Harrison began at age 13 after his mother spent 3 pounds and purchased his first guitar for him; and

Whereas, Within five years after he began to play the guitar, the Beatles band was formed; and

Whereas, As a member of the Beatles, George Harrison helped to change the face of a class-conscious England when, on June 12, 1965, Queen Elizabeth II bestowed on him the coveted title: Member of the Order of the British Empire; and

Whereas, George Harrison was the lead guitarist and back-up vocalist for the Beatles and composed hits including *Taxman*, *Something*, *Here Comes the Sun*, *I Need You*, *While My Guitar Gently Weeps*, *Don't Bother Me*, and *All Things Must Pass*. He greatly contributed to the band's meteoric rise, groundbreaking style, and historic contributions to music history; and

Whereas, The "Spiritual Beatle" pursued a successful solo career and continued to influence countless musicians for more than two decades after the Beatles split up in the spring of 1970; and

Whereas, George Harrison displayed grace and good humor throughout his life, and in particular, during his struggle with cancer and after the serious injuries he suffered in the attack at his home near London. He held this demeanor until the time of his death on November 29, 2001, at 1:30 p.m. at the home of a friend in Los Angeles, California, USA; and

Whereas, Even though the life and career of George Harrison have ended, his memory and his music will endure and serve as an inspiration to future generations of musicians and fans; and

Whereas, The life and memory of George Harold Harrison cannot be adequately articulated in any memorial resolution nor fully express our condolences to his family upon his passing; now, therefore, be it

Resolved by the Senate, That we, the people of the state of Michigan, hereby extend our prayers, thoughts, and warmest regards to the family of George Harrison during this period of mourning; and be it further

Resolved, That copies of this resolution be transmitted to his family as evidence of our admiration of George Harold Harrison, M.B.E.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Garcia's statement is as follows:

Yesterday the Senator from the 6th District pointed out to us that tomorrow is Pearl Harbor Day and that we should remember the sacrifices of those who died on that day. What I have is a resolution that would honor the men and women who died on that day. Tomorrow is the 60th anniversary of that terrible attack on the United States, and what I would like to do, Mr. Lieutenant Governor, is ask for a moment of silence, if we could, just to remember those who gave their lives in the defense of our country.

A moment of silence was observed in memory of those who sacrificed their lives at Pearl Harbor.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Emmons introduced

Senate Bill No. 921, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.283) by adding section 69b.

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

Senator Emmons introduced

Senate Bill No. 922, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," (MCL 37.2101 to 37.2804) by adding section 202b.

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

Senators Smith, DeBeaussaert, Emerson, Murphy, Koivisto, Byrum, Scott, Cherry, Hart, Peters, Miller, Dingell, Leland, Hoffman, Young, Goschka and Schwarz introduced

Senate Bill No. 923, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 1995 PA 181.

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

Senators Johnson, Bennett, Gougeon, Hammerstrom, Bullard, Byrum, Shugars, Goschka, Garcia and Sanborn introduced

Senate Bill No. 924, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the

powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations,” by amending section 2 (MCL 28.292), as amended by 1999 PA 89.

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

Senators Bennett, Johnson, Gougeon, Hammerstrom, Bullard, Byrum, Shugars, Goschka, Garcia and Sanborn introduced

Senate Bill No. 925, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending the title and sections 310, 310e, and 314 (MCL 257.310, 257.310e, and 257.314), the title as amended by 2000 PA 408, section 310 as amended by 1998 PA 226, section 310e as amended by 2000 PA 456, and section 314 as amended by 2000 PA 173.

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

Senator Schwarz introduced

Senate Bill No. 926, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending sections 5, 6, 7, and 8 (MCL 390.1455, 390.1456, 390.1457, and 390.1458).

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

House Bill No. 4300, entitled

A bill to amend 1931 LA 1, entitled “An act to prevent hunting on Sunday, in the county of Lenawee; to authorize the arrest of persons violating the provisions of this act, and to prescribe the penalty therefor,” by amending section 6 and by adding section 5a; to provide for a referendum; 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 Hunting, Fishing and Forestry.

House Bill No. 4759, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 217j.

The House of Representatives has passed the bill.

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

House Bill No. 5047, entitled

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

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. 5436, entitled

A bill to authorize the state administrative board to convey certain state owned property in Tuscola county; to prescribe conditions for conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for the disposition of revenue derived from the conveyance.

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.

Senator Emmons moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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 President.

The motion prevailed, the time being 10:47 a.m.

10:49 a.m.

The Senate was called to order by the President, Lieutenant Governor Posthumus.

By unanimous consent the Senate returned to the order of
Resolutions

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

Senate Resolution No. 146

The resolution consent calendar was adopted.

Senators DeGrow and Miller offered the following resolution:

Senate Resolution No. 146.

A resolution to urge the Michigan Supreme Court to provide for the inscription of our national motto, "In God We Trust," upon the new Hall of Justice.

Whereas, National symbols and mottoes contribute to the character of our country and foster a shared sense of purpose and ideals. So too do prominent public buildings, like capitol buildings and courthouses, remind people of our system of self-government and the seriousness of the work undertaken in them. While such symbols are always important, especially in imparting respect in our young people, we are all well aware of their added significance in difficult times; and

Whereas, Our motto, "In God We Trust," has been part of the fabric of American life since the days of the Civil War, when the phrase first was added to coins. At that time and throughout much of our nation's history, the phrase has been a source of strength and comfort. These words reflect well our heritage and the aspirations of generations who have come to this land from all cultures and backgrounds seeking its freedoms; and

Whereas, The new Hall of Justice stands as the home of the state's highest court and key administrative components of Michigan's judicial branch. It would be most appropriate for this beautiful new expression of the people's faith in our judicial beliefs and traditions to also include a prominent display of our national motto. Such an inscription can impart a measure of humility and can remind all who work there and visit the building that there are higher powers than ourselves; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Supreme Court to provide for the inscription of our national motto, "In God We Trust," upon the new Hall of Justice; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan Supreme Court.

Senate Concurrent Resolution No. 40.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Schoolcraft College relative to the Schoolcraft College Business and Industry Training Center and Waterman Center Renovation.

(For text of resolution, see Senate Journal No. 70, p. 1812.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 41.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Central Campus Renovation Phase II-Mason Hall and Haven Hall.

(For text of resolution, see Senate Journal No. 70, p. 1812.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 42.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Technology Education Building.

(For text of resolution, see Senate Journal No. 70, p. 1813.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Committee Reports

The Committee on Finance reported

House Bill No. 5317, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2, 3, 7, 9, and 10 (MCL 390.1472, 390.1473, 390.1477, 390.1479, and 390.1480).

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

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, December 4, 2001, at 1:02 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Health Policy reported

Senate Bill No. 451, entitled

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

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 452, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 403 (MCL 550.1403).

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 871, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12522 (MCL 333.12522).

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5148, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 1998 PA 226.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5255, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21534.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5258, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5652, 5653, 5654, and 5655 (MCL 333.5652, 333.5653, 333.5654, and 333.5655), sections 5652 and 5655 as added by 1996 PA 594 and sections 5653 and 5654 as amended by 2000 PA 58.

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5259, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 1998 PA 88.

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5260, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7333, 7401, 7403, 7407, 7521, 16204b, 16204c, and 16204d (MCL 333.7333, 333.7401, 333.7403, 333.7407, 333.7521, 333.16204b, 333.16204c, and 333.16204d), section 7333 as amended by 1993 PA 138, sections 7401 and 7403 as amended by 2000 PA 314, section 7407 as amended by 1993 PA 80, section 7521 as amended by 2000 PA 302, section 16204b as added by 1998 PA 422, and sections 16204c and 16204d as added by 1998 PA 423, and by adding section 7333a; and to repeal acts and parts of acts.

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5261, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16315 (MCL 333.16315), as added by 1993 PA 138.

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5262, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7104, 7107, and 7109 (MCL 333.7104, 333.7107, and 333.7109), section 7104 as amended by 1994 PA 38 and sections 7107 and 7109 as amended by 1993 PA 80.

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5263, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204a (MCL 333.16204a), as amended by 1998 PA 421.

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, December 4, 2001, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Emerson

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4855, entitled

A bill to adopt the uniform child-custody jurisdiction and enforcement act prescribing the powers and duties of the court in a child-custody proceeding involving this state and a proceeding or party outside of this state; and to repeal acts and parts of acts.

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, Sanborn and Scott

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. 5280, entitled

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the family independence agency," (MCL 400.1501 to 400.1511) by adding section 11.

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

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka, Johnson, Sanborn and Scott

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, December 5, 2001, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Hart

The Committee on Judiciary reported

House Bill No. 5357, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 517 and 803 (MCL 600.517 and 600.803), section 517 as amended by 1990 PA 54 and section 803 as amended by 1998 PA 55.

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

1. Amend page 2, line 9, after "probate." by inserting "BEGINNING 12 NOON, JANUARY 1, 2005, THE COUNTY OF GENESEE SHALL HAVE 2 JUDGES OF PROBATE."
2. Amend page 2, line 10, after "of" by striking out "Genesee,".
3. Amend page 2, line 10, after "Macomb" by striking out the comma.
4. Amend page 2, line 11, after "probate." by inserting "UNTIL 12 NOON, JANUARY 1, 2005, THE COUNTY OF GENESEE SHALL HAVE 3 JUDGES OF PROBATE."
5. Amend page 3, line 1, after "have" by inserting "at least 8 but not more than 12 judges of probate. The county board of commissioners, by a majority vote of the members of the board, may provide for additional judges of probate when the county board of commissioners considers it necessary. The additional probate judges shall be elected at the

next general election which occurs not less than 175 days after the authorization by the county board of commissioners. To insure that the judges of probate are elected in different elections and that not more than 3 of the judges' terms expire at the same time, the first term of a ninth probate judge shall expire on January 1 of the next odd numbered year in which 3 existing regular terms do not expire, except that the term shall be for not less than 6 years. The first term of a tenth probate judge shall be for 6 years. The first term of an eleventh or twelfth probate judge shall expire on January 1 of the odd numbered year in which a total of 4 existing regular terms or terms of simultaneously authorized judgeships do not expire, except that the term shall be for not less than 6 years.”.

6. Amend page 4, following line 8, by inserting:

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

- (a) Senate Bill No. 76.
- (b) Senate Bill No. 764.
- (c) Senate Bill No. 765.
- (d) Senate Bill No. 786.
- (e) Senate Bill No. 825.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Schuette and Bullard

Nays: Senators Peters, Dingell and Scott

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Thursday, November 29, 2001, at 1:00 p.m., Room 110, Farnum Building

Present: Senators McCotter (C) and Miller

Excused: Senators Hammerstrom, Sikkema and Byrum

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Monday, December 3, 2001, at 10:07 a.m., Detroit Regional Chamber of Commerce, Suite 1900,
1 Woodward Avenue, Detroit

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

Scheduled Meetings

Appropriations -

Subcommittee -

Community Health - Tuesday, December 11, and Thursday, December 13, 1:30 p.m., Senate Hearing Room,
Ground Floor, Michigan National Tower (373-1777)

Technology and Energy - Wednesday, December 12, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)
(CANCELED)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:51 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, December 11, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

