

No. 19
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Tuesday, March 5, 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—excused
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 Joanne G. Emmons of the 23rd District offered the following invocation:

In times of trouble, the 23rd Psalm is not only a promise of comfort, but a promise for everyone and every time.

“The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters. He restoreth my soul: he leadeth me in the paths of righteousness for his name’s sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.” Amen.

Senator Murphy entered the Senate Chamber.

Motions and Communications

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

Senator Emmons moved that Senator McCotter be excused from today’s session.
The motion prevailed.

Senator Emerson moved that Senator Miller be temporarily excused from today’s session.
The motion prevailed.

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

The following communications were received:

Office of the Auditor General

February 27, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Financial Related Audit of the Use of Transportation-Related Funding, October 1, 1999 through September 30, 2000.

February 28, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Fire Marshal Division, Michigan Department of State Police, March 2002.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 28:
House Bill Nos. 5270 5495 5504 5520 5732

The Secretary announced the printing and placement in the members’ files on Thursday, February 28, of:
House Bill No. 5763

The Secretary announced the printing and placement in the members’ files on Friday, March 1, of:

**Senate Bill Nos. 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147 1148 1149 1150 1151
1152 1153 1154 1155 1156 1157 1158 1159 1160 1161 1162 1163 1164 1165
1166**
**House Bill Nos. 5750 5751 5752 5753 5754 5755 5756 5757 5758 5759 5760 5761 5762 5764
5765 5766 5767 5768**

Messages from the House

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).

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 452, entitled

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

The House of Representatives has amended the bill as follows:

- 1. Amend page 1, line 2, after “member” by striking out “or a participating provider”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5026, entitled

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 231a (MCL 750.231a).

The House of Representatives has substituted (H-4) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-4) and agreed to the full title.

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

Senator Miller entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

- House Bill No. 5404**
- House Bill No. 5405**
- House Bill No. 5406**
- House Bill No. 5407**
- House Bill No. 5408**
- House Bill No. 5409**
- House Bill No. 5410**

The motion prevailed.

The following bill was read a third time:

House Bill No. 5404, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 442 (MCL 380.442), as amended by 1985 PA 22.

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. 240

Yeas—35

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

Nays—0

Excused—3

McCotter	Schuette	Vaughn
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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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

10:24 a.m.

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

During the recess, Senator McManus introduced to the Senate the 2001-2002 Michigan Association of Future Farmers of America and presented them with a special tribute in honor of their 74th Annual FFA Convention at Michigan State University.

FAA President Kendra Butters responded briefly.

Kat Majeske rendered a musical selection of “God Bless America.”

Pursuant to rule 3.203, the Majority Leader made the following committee reassignments:

House Bill No. 5431

House Bill No. 5556

The bills were referred to the Committee on Hunting, Fishing and Forestry.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

House Bill No. 5405, entitled

A bill to amend 1961 PA 108, entitled “An act to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions of the loans and the

conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the powers and duties of the superintendent of public instruction and the state treasurer in relation to such loans; to provide for the repayment of such loans; to provide incentives for repayment of such loans; to provide for other matters in respect to such loans; and to make an appropriation," by amending section 4 (MCL 388.954), as amended by 1992 PA 228.

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. 241**Yeas—35**

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

Nays—0**Excused—3**

McCotter	Schuette	Vaughn
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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.

Senator Schuette entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5406, entitled

A bill to repeal 1973 PA 12, entitled "An act to provide for emergency financial assistance for school districts; to prescribe certain powers and duties of the intermediate board of education in connection therewith; to provide certain powers and duties of the state board of education in connection therewith; to create an emergency loan revolving fund; and to make an appropriation," (MCL 388.251 to 388.271).

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. 242**Yeas—36**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Gougeon	Murphy	Smith

DeGrow
Dingell
Dunaskiss
Emerson

Hammerstrom
Hart
Hoffman
Johnson

North
Peters
Sanborn
Schuette

Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

McCotter

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. 5407, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 629 (MCL 380.629), as amended by 1997 PA 152.

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. 243

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
Leland
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

McCotter

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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5408, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 687 (MCL 380.687), as amended by 1995 PA 289.

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. 244

Yeas—36

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

Nays—0

Excused—2

McCotter	Vaughn
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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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts;

to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5409, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1215 (MCL 380.1215).

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. 245

Yeas—36

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

Nays—0

Excused—2

McCotter

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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5410, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1216 (MCL 380.1216), as amended by 1992 PA 236.

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. 246

Yeas—36

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

Nays—0

Excused—2

McCotter 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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

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

House Bill No. 5412

House Bill No. 5413

House Bill No. 5414

House Bill No. 5416

House Bill No. 5417

House Bill No. 5418
House Bill No. 5419
House Bill No. 5420
House Bill No. 5423
House Bill No. 5205
Senate Bill No. 989
House Bill No. 5434
 The motion prevailed.

The following bill was read a third time:

House Bill No. 5412, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1227 (MCL 380.1227), as added by 1995 PA 289.

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. 247

Yeas—36

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

Nays—0

Excused—2

McCotter 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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5413, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1351 (MCL 380.1351), as amended by 1997 PA 152.

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. 248

Yeas—36

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

Nays—0

Excused—2

McCotter 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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5414, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1351a (MCL 380.1351a), as amended by 1997 PA 152.

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. 249**Yeas—36**

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

Nays—0**Excused—2**

McCotter	Vaughn
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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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5416, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1362 (MCL 380.1362).

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. 250**Yeas—36**

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

DeBeussaert
DeGrow
Dingell
Dunaskiss
Emerson

Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Murphy
North
Peters
Sanborn
Schuette

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

McCotter

Vaughn

Not Voting—0

In The Chair: Schwarz

The Assistant Associate President pro tempore, Senator Miller, assumed the Chair.

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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

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

The following bill was read a third time:

House Bill No. 5417, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1363 (MCL 380.1363).

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. 251

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
Leland
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

McCotter

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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5418, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1731 (MCL 380.1731).

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. 252

Yeas—36

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

Nays—0

Excused—2

McCotter

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 a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5419, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 17a (MCL 388.1617a), as amended by 1996 PA 300.

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. 253

Yeas—36

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

Nays—0

Excused—2

McCotter	Vaughn
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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 make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the

appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5420, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 122 (MCL 389.122), as amended by 1984 PA 148.

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. 254

Yeas—36

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

Nays—0

Excused—2

McCotter	Vaughn
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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 revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; 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:

House Bill No. 5423, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 144 (MCL 389.144), as amended by 1990 PA 287.

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. 255**Yeas—36**

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

Nays—0**Excused—2**

McCotter	Vaughn
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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 revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; 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:

House Bill No. 5205, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 719 (MCL 257.719), as amended by 2000 PA 306.

The question being on the passage of the bill,

Senator Bullard offered the following substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

Roll Call No. 256**Yeas—36**

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

DeBeussaert
DeGrow
Dingell
Dunaskiss
Emerson

Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Murphy
North
Peters
Sanborn
Schuette

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

McCotter

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 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:

Senate Bill No. 989, entitled

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

The 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. 257

Yeas—36

Bennett
Bullard
Byrum
Cherry

Emmons
Garcia
Gast
Goschka

Koivisto
Leland
McManus
Miller

Schwarz
Scott
Shugars
Sikkema

DeBeussaert	Gougeon	Murphy	Smith
DeGrow	Hammerstrom	North	Steil
Dingell	Hart	Peters	Stille
Dunaskiss	Hoffman	Sanborn	Van Regenmorter
Emerson	Johnson	Schuette	Young

Nays—0

Excused—2

McCotter 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. 5434, entitled

A bill to amend 1939 PA 141, entitled “Grain dealers act,” by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, and 22 (MCL 285.62, 285.63, 285.64, 285.65, 285.66, 285.67, 285.68, 285.69, 285.70, 285.71, 285.72, 285.73, 285.74, 285.75, 285.76, 285.78, 285.79, 285.80, 285.81, and 285.82), the title as amended by 1984 PA 169, sections 2, 3, 5, 6, and 18 as amended and section 21 as added by 1996 PA 311, and section 7 as amended by 1982 PA 33, and by adding sections 17, 23, 24, 25, 26, 27, and 28; 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. 258

Yeas—36

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

Nays—0

Excused—2

McCotter Vaughn

Not Voting—0

In The Chair: Schwarz

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

“An act to permit the director of the department of agriculture of this state to regulate the storage, warehousing, buying, and selling of farm produce within this state; to provide for the licensing, regulation, and bonding of grain dealers; to provide for warehouse receipts and price later agreements and their priority; to provide for the creation of security interests; to provide for the establishment of an inspection service and personnel for licensed grain dealers; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

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 Byrum 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 bills:

House Bill No. 5506, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 204a (MCL 750.204a), as amended by 1998 PA 208.

House Bill No. 5507, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 436 (MCL 750.436), as amended by 1988 PA 87.

House Bill No. 5509, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411j (MCL 750.411j), as amended by 1997 PA 75.

House Bill No. 5513, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 4701 and 4702 (MCL 600.4701 and 600.4702), section 4701 as amended by 2000 PA 184 and section 4702 as added by 1988 PA 104.

The bills were 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. 5295, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 2 to chapter II.

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. 5349, entitled

A bill to amend 1976 PA 442, entitled “Freedom of information act,” by amending section 13 (MCL 15.243), as amended by 2001 PA 74.

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. 5496, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending sections 3, 7, 7a, 8, 9, 10, and 11 (MCL 30.403, 30.407, 30.407a, 30.408, 30.409, 30.410, and 30.411), sections 3, 7, 8, 9, 10, and 11 as amended and section 7a as added by 1990 PA 50, and by adding section 21; and to repeal acts and parts of acts.

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. 5511, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

Substitute (S-2).

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

1. Amend page 3, following line 16, by inserting:

“(xiv) A BUILDING, STRUCTURE, OR OTHER FACILITY OWNED OR OPERATED BY THE FEDERAL GOVERNMENT, BY THIS STATE, OR BY A POLITICAL SUBDIVISION OR ANY OTHER INSTRUMENTALITY OF THIS STATE OR OF A LOCAL UNIT OF GOVERNMENT.”.

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. 5512, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 543x.

Substitute (S-2).

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. 748, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3801, 3807, 3809, 3811, 3815, 3819, and 3829 (MCL 500.3801, 500.3807, 500.3809, 500.3811, 500.3815, 500.3819, and 500.3829), as added by 1992 PA 84, and by adding sections 3830 and 3830a.

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. 749, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 451, 455, 459, 461, 465, 469, and 479 (MCL 550.1451, 550.1455, 550.1459, 550.1461, 550.1465, 550.1469, and 550.1479), as added by 1994 PA 40, and by adding sections 480 and 480a.

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. 4507, entitled

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

Substitute (S-4).

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

1. Amend page 2, line 2, after "205.78," by striking out "SHALL NOT" and inserting "IS NOT REQUIRED TO SEPARATELY".

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.

Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

House Concurrent Resolution No. 57.

A concurrent resolution to express support for the proposed aerial gondola spanning the Detroit River and to encourage Windsor and Ontario authorities to expedite the project's approval.

Whereas, The warm relationships between Michigan and Ontario and between Detroit and Windsor have provided enormous benefits to the region and to the people who call the area on either shore of the Detroit River home. In an effort to highlight this relationship and further develop the resources of the Detroit-Windsor area, business and community leaders on both sides of the Detroit River are promoting the construction of an aerial gondola over the Detroit River. This project would create one of the most unique tourist attractions anywhere and focus attention on the concept of the "Two Nation Vacation"; and

Whereas, The proposed gondola line linking the downtowns of Detroit and Windsor offers many economic opportunities. A study commissioned by the Detroit Metro Convention and Visitors Bureau indicates that the project would result in \$325.5 million in new visitor spending and would lure 1 million additional visitors, which would result in 5,200 new jobs. The gondola is expected to provide 3 million round trips annually with a crossing time for passengers of less than 5 minutes. One prominent area economist has predicted that the annual economic benefits could exceed the spending from the North American International Auto Show each year; and

Whereas, City officials in Detroit and Windsor and numerous private corporations and organizations have expressed strong support for this venture. With the enormous potential the aerial gondola holds for tourism development, the remaining obstacles need to be overcome to bring this idea to fruition; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express support for the proposed aerial gondola spanning the Detroit River and encourage Windsor and Ontario authorities to expedite the project's approval; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Miller's statement is as follows:

I want to make a little statement about the hometown I come from and represent, the city of Warren. I know that many of the members realize and the sports pages realize March is hopefully the coming of spring, but also March is the tip-off of March Madness high school basketball. I had the privilege last night, Mr. President, to witness one of the finest high school basketball games that will go down in history in Macomb County between two of Warren's finest consolidated high schools. We have a lot of great high schools, but I just want to say that Principal John Mocny from Mott Marauders and Principal Joe Sayer from Warren Cousino can be proud of their two teams, who played three overtimes, and with 12 seconds left in the third overtime, the score was still tied.

I want to say that it was just a great, great opportunity to be a spectator there because I got to witness not only a great basketball game, but also what high school is all about and what we work here to perform. You get to see the whole school body—all the students from both schools there, the administrators there, the cheerleaders from both sides, the teams, and the parents. And the best thing of all—it was heartbreaking really—there shouldn't have been a loser with the way these two teams played last night, but it was just a great, great game.

I want to let the people at Mott High School know that their team played with such tenacity, such great sportsmanship, and it was sad that they lost. To Cousino High School where my children attended and attend, I just want to say that the five seniors there: Joe Galanty, Bob Salisbury, Mike Guzlak, Thomas Hill, and Bill Koenig; and the other starters there: Robert Gardner and Tom Spear; all played a great game. Mott High School had five young men who wouldn't stop, didn't know what it would be like to lose, and they played outstandingly. I wanted to say that their point guard, Jesus Grafilo, and their forward, Nick Thurman, who fouled out late in that game, played fabulously, along with a man who sent this game into the third overtime, their other starting guard, Chris Shepard, played great.

I mean after this game was over, I was just amazed by the good sportsmanship. The students of both schools were exemplifying what it is to be a good student. For those principals, those parents, and volunteers, I wanted to say that it had to be sad. I was happy to see Cousino win, but I was kind of sad to see Mott have to lose a game like that.

To my friends in the *Detroit Free Press*, I think that that game should have had front page billing because it will go down as one of the best high school games in Macomb County.

I just want to let all my members and colleagues here know that if they get a chance to attend one of these high school games in their area, they should go because it really, really reflects what we try to do here. These student athletes aren't boys anymore like we knew them in grade school and junior high; they are really outstanding young men. My hat goes off to both schools. What a great, great tournament. I hope the best for all the high schools across Michigan.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Peters introduced

Senate Bill No. 1167, entitled

A bill to amend 1967 PA 266, entitled "An act to authorize and provide for the issuance of notes of the state, including refunding notes and commercial paper; to provide funds to meet obligations incurred pursuant to appropriations for fiscal years; to provide for the payment of such notes from revenues received during the same fiscal years; and to exempt certain notes and interest on those notes from taxation," by amending section 4 (MCL 17.454).

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

Senator Schwarz introduced

Senate Bill No. 1168, entitled

A bill to amend 1974 PA 370, entitled "Vietnam veteran era bonus act," by amending section 15 (MCL 35.1035).

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

Senator Smith introduced

Senate Bill No. 1169, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 22 and 25 (MCL 125.1422 and 125.1425), section 22 as amended by 1999 PA 131 and section 25 as amended by 1993 PA 220.

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

Senator Byrum introduced

Senate Bill No. 1170, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 23 and 47 (MCL 125.2023 and 125.2047), section 23 as amended by 1987 PA 278.

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

Senator Smith introduced

Senate Bill No. 1171, entitled

A bill to amend 1982 PA 220, entitled "Michigan family farm development act," by amending section 13 (MCL 285.263), as amended by 1983 PA 68.

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

Senator Peters introduced

Senate Bill No. 1172, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and

issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending sections 8 and 8a (MCL 331.8 and 331.8a), section 8a as amended by 1980 PA 104; and to repeal acts and parts of acts.

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

Senator Peters introduced

Senate Bill No. 1173, entitled

A bill to amend 1969 PA 38, entitled "Hospital finance authority act," by amending sections 12 and 42 (MCL 331.42 and 331.72), section 12 as amended by 1994 PA 428 and section 42 as amended by 1992 PA 302; and to repeal acts and parts of acts.

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

Senator Byrum introduced

Senate Bill No. 1174, entitled

A bill to amend 1969 PA 295, entitled "Higher education facilities authority act," by amending section 6 (MCL 390.926), as amended by 1982 PA 409.

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

Senator Byrum introduced

Senate Bill No. 1175, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 5 (MCL 390.1155), as amended by 1984 PA 259.

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

Senator Byrum introduced

Senate Bill No. 1176, entitled

A bill to amend 1976 PA 289, entitled "An act to implement, clarify, and confirm the constitutional powers of the bodies corporate controlling those institutions of higher education named in sections 4, 5, and 6 of article 8 of the state constitution of 1963, or established by law as therein provided, regarding the establishment and financing of student loan programs," by amending section 2 (MCL 390.1352).

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

Senator Bullard introduced

Senate Bill No. 1177, entitled

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

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

Senator Bullard introduced

Senate Bill No. 1178, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending section 9 (MCL 141.1059), as amended by 1988 PA 316.

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

Senator Peters introduced

Senate Bill No. 1179, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19603 (MCL 324.19603), as added by 1998 PA 288.

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

Senator Peters introduced

Senate Bill No. 1180, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 50510 (MCL 324.50510), as added by 1995 PA 57.

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

Senator Peters introduced

Senate Bill No. 1181, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 71503 (MCL 324.71503), as amended by 1995 PA 72.

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

Senator Peters introduced

Senate Bill No. 1182, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76703 (MCL 324.76703), as amended by 2001 PA 78.

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

Senators Hart, Peters, DeBeaussiaert, Koivisto and Byrum introduced

Senate Bill No. 1183, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411t.

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

Senators Hart, Peters, Byrum, DeBeaussiaert and Koivisto introduced

Senate Bill No. 1184, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

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

Senators Steil, Young, McCotter, Hammerstrom, Garcia, McManus and Goschka introduced

Senate Bill No. 1185, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

Senators Steil, Young, McCotter, Hammerstrom, Garcia and McManus introduced

Senate Bill No. 1186, entitled

A bill to amend 1921 PA 136, entitled "An act to authorize and facilitate the acquisition and disposal of public library property by public corporations empowered to maintain public libraries," by amending section 1 (MCL 397.381), as amended by 1998 PA 370.

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

Senators Stille, Hammerstrom, Garcia and Byrum introduced

Senate Bill No. 1187, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 28 (MCL 125.2328), as amended by 1993 PA 241.

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

Senators Stille, Hammerstrom, Garcia and Byrum introduced

Senate Bill No. 1188, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," (MCL 125.2301 to 125.2349) by adding section 5a.

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. 5270, entitled

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending section 1 (MCL 780.651), as amended by 1990 PA 43.

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. 5495, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

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. 5504, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 312f, 319b, and 732 (MCL 257.307, 257.312f, 257.319b, and 257.732), section 307 as amended by 2001 PA 159, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, and section 732 as amended by 2001 PA 134.

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

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

House Bill No. 5520, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVII (MCL 777.22), as amended by 2000 PA 279.

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. 5732, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 1d, 5, 11, 13, 19, 20, 20d, 21, 24, 33, 38, 46, 48, 49, and 52 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.33, 38.38, 38.46, 38.48, 38.49, and 38.52), section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 11 and 13 as amended and section 52 as added by 1996 PA 487, section 19 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, and section 48 as added by 1990 PA 110, and by adding section 19g.

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.

Committee Reports

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 4860, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43524 (MCL 324.43524), as amended by 1996 PA 585.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Hoffman and Koivisto

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 4937, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43532 (MCL 324.43532), as amended by 1996 PA 585.

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

1. Amend page 2, line 13, after "\$2.00." by striking out the balance of the line through "license." on line 14.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Hoffman and Koivisto

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submitted the following:

Meeting held on Wednesday, February 27, 2002, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Sanborn (C), Hoffman and Koivisto

Excused: Senators Bullard and Cherry

The Committee on Judiciary reported

Senate Bill No. 380, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2972 and 2973.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard and Schuette

Nays: Senators Peters and Scott

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

The Committee on Judiciary reported

House Bill No. 4874, entitled

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

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5125, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 360a.

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5126, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16r of chapter XVII (MCL 777.16r), as amended by 2000 PA 279.

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5585, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6013 (MCL 600.6013), as amended by 2001 PA 175.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, February 27, 2002, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submitted the following:

Meeting held on Wednesday, February 27, 2002, at 2:30 p.m., Room 100, Farnum Building

Present: Senators North (C), Hoffman and Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources submitted the following:

Meeting held on Wednesday, February, 27, 2002, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Gast, Hoffman, Koivisto and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 27, 2002, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Sanborn

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, February 28, 2002, at 8:35 a.m., Room 210, Farnum Building

Present: Senators Garcia (C), Goschka, Steil and Scott

Excused: Senators Shugars, Miller and Vaughn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Friday, March 1, 2002, at 10:00 a.m., Calvin College, Hekman Library, Grand Rapids

Present: Senator Schwarz (C)

Excused: Senators McManus, Hoffman, Koivisto and Smith

Scheduled Meetings

Appropriations - Wednesday, March 6, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Career Development Strategic Fund Agency - Wednesday, March 6, 3:00 p.m., Room 210, Farnum Building (373-2523)

Community Health - Monday, March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

Higher Education - Friday, March 8, 9:30 a.m., University of Michigan-Ann Arbor, 909 S. University Drive, William L. Clements Library, Ann Arbor (373-3447)

Natural Resources - Wednesday, March 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725) (CANCELED)

Banking and Financial Institutions - Thursday, March 7, 8:30 a.m., Room 210, Farnum Building (373-2420)

Judiciary - Wednesday, March 6, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Legislative Retirement Board of Trustees - Wednesday, March 6, 12:00 noon, Room H-252, Capitol Building (373-0575)

Senior Citizens and Veterans Affairs - Thursday, March 7, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Transportation and Tourism - Wednesday, March 6, 9:15 a.m., Room 110, Farnum Building (373-1758)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 11:30 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 6, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

