

No. 43
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Tuesday, May 14, 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—excused
Gast—present
Goschka—present

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

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

Senator Mike Goschka of the 33rd District offered the following invocation:

Our Father, we do thank You for the opportunity again today to serve here in the Michigan State Senate. Even as we serve, we recognize our own frailties, our own inadequacies, and at the same time, we recognize Your power and Your dominion and Your severity. We pray that today You would visit upon us with Your Spirit that we would have humility as we serve the people of this state. Help us to be mindful of Your presence and of Your will—even if we don't want to seek Your face. Bless this chamber, and bless this state today we would pray. In the great name of Jesus. Amen.

Senators Smith, Gast and Cherry entered the Senate Chamber.

Motions and Communications

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

Senator Emmons moved that Senators Garcia and Johnson be 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:

Department of State

Administrative Rules Notices of Filing

April 16, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:40 p.m. this date, administrative rule (02-04-05) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, entitled "*Regulation No. 808. Payment of Breeder's Awards,*" effective 7 days hereafter.

April 16, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:44 p.m. this date, administrative rule (02-04-07) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, entitled "*Regulation No. 820. Michigan-bred Pari-mutuel Races,*" effective 7 days hereafter.

April 25, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:20 p.m. this date, administrative rule (02-04-09) for the Department of Agriculture, Pesticide and Plant Pest Management Division, entitled "*Regulation No. 628. Seed Potato Certificate,*" effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending March 31, 2002:

Senator Dianne Byrum	January 24-26	Attend NCSL-Streamlined Sales Tax Meeting New Orleans, LA	\$ 633.36
	March 15-17	Attend NCSL-Streamlined Sales Tax Meeting Dallas, TX	\$ 569.28

Senator Joanne Emmons	January 24-27	Attend NCSL-Streamlined Sales Tax Meeting New Orleans, LA	\$ 537.56
	January 31-February 3	Attend NCSL-Streamlined Sales Tax Meeting Santa Fe, NM	\$ 564.99
	March 15-17	Attend NCSL-Streamlined Sales Tax Meeting Dallas, TX	\$ 451.24
Senator Beverly Hammerstrom	January 3-6	Attend WIG State Directors Meeting Scottsdale, AZ	\$ 780.94
Senator Leon Stille	February 6-9	Attend National Leadership Seminar, 50th National Prayer Breakfast Washington, DC	\$ 642.76
Senator Joe Young	March 22-27	Attend American Society for Public Administration Conference Phoenix, AZ	\$ 1,205.50

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 9:
House Bill Nos. 5361 5362 5363 5364 5365 5552 5804 5857

The Secretary announced the enrollment printing and presentation to the Governor on Friday, May 10, for his approval the following bills:

Enrolled Senate Bill No. 748 at 12:54 p.m.
Enrolled Senate Bill No. 639 at 12:56 p.m.
Enrolled Senate Bill No. 1077 at 12:58 p.m.
Enrolled Senate Bill No. 1084 at 1:00 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, May 9, of:

Senate Bill Nos. 1315 1316 1317 1318 1319 1320 1321 1322
House Bill Nos. 5999 6000 6001 6002 6003 6004 6005 6006 6007 6008 6009 6010 6011 6012
6013 6014 6015 6016 6017 6018 6019 6020 6021 6022 6023 6024 6025 6026
6027 6028 6029 6030 6031 6032 6033 6034 6035 6036 6037 6038
House Joint Resolution X

The Secretary announced the printing and placement in the members' files on Friday, May 10, of:

Senate Bill Nos. 1303 1304 1305
House Bill Nos. 6070 6071 6072 6073 6074 6075 6076 6077 6080

The Secretary announced the printing and placement in the members' files on Monday, May 13, of:

Senate Bill Nos. 1306 1308 1309 1310 1311 1312 1313 1314
House Bill Nos. 6039 6040 6041 6042 6043 6044 6045 6046 6047 6048 6049 6050 6051 6052
6053 6054 6055 6056 6057 6058 6059 6060 6061 6062 6063 6064 6065 6066
6067 6068 6069 6078 6079

Messages from the Governor

The following messages from the Governor were received:

Date: May 8, 2002
Time: 10:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 982 (Public Act No. 268), being

An act to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing

conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies," by amending sections 17 and 47 (MCL 125.667 and 125.697), as amended by 1996 PA 338; and to repeal acts and parts of acts.

(Filed with the Secretary of State on May 9, 2002, at 3:08 p.m.)

Date: May 8, 2002

Time: 10:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 846 (Public Act No. 273), being

An act to amend 1931 PA 246, entitled "An act to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges," by amending section 13a (MCL 41.283a).

(Filed with the Secretary of State on May 9, 2002, at 3:18 p.m.)

Date: May 8, 2002

Time: 10:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 848 (Public Act No. 274), being

An act to amend 1923 PA 116, entitled "An act to authorize certain township or village public improvements and services; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 6c (MCL 41.416c), as added by 1989 PA 82.

(Filed with the Secretary of State on May 9, 2002, at 3:20 p.m.)

Date: May 8, 2002

Time: 10:22 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 852 (Public Act No. 275), being

An act to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11c (MCL 46.11c), as amended by 1989 PA 30.

(Filed with the Secretary of State on May 9, 2002, at 3:22 p.m.)

Date: May 8, 2002

Time: 10:24 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 853 (Public Act No. 276), being

An act to amend 1895 PA 3, entitled "An act to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local

officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies,” by amending section 36 of chapter VIII, sections 5, 21, and 25 of chapter IX, and sections 4 and 5 of chapter XII (MCL 68.36, 69.5, 69.21, 69.25, 72.4, and 72.5), section 36 of chapter VIII as amended by 1989 PA 28 and sections 5, 21, and 25 of chapter IX and sections 4 and 5 of chapter XII as amended by 1998 PA 254.

(Filed with the Secretary of State on May 9, 2002, at 3:24 p.m.)

Date: May 8, 2002
Time: 10:26 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 854 (Public Act No. 277), being

An act to amend 1909 PA 278, entitled “An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; to validate bonds issued and obligations previously incurred; and to prescribe penalties and provide remedies,” by amending section 24b (MCL 78.24b), as amended by 1989 PA 29.

(Filed with the Secretary of State on May 9, 2002, at 3:28 p.m.)

Date: May 8, 2002
Time: 10:28 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1045 (Public Act No. 278), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2000 PA 279.

(Filed with the Secretary of State on May 9, 2002, at 3:30 p.m.)

Date: May 8, 2002
Time: 10:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1047 (Public Act No. 279), being

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

of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16r of chapter XVII (MCL 777.16r), as amended by 2002 PA 102.

(Filed with the Secretary of State on May 9, 2002, at 3:32 p.m.)

Date: May 8, 2002

Time: 10:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 981 (Public Act No. 284), being

An act to amend 1921 PA 207, entitled "An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments," by amending section 15 (MCL 125.595), as added by 1996 PA 571.

(Filed with the Secretary of State on May 9, 2002, at 3:44 p.m.)

Date: May 8, 2002

Time: 10:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 983 (Public Act No. 285), being

An act to amend 1949 PA 208, entitled "An act to authorize cities, villages and townships of this state to designate neighborhood areas for the purpose of planning and carrying out local public improvements for the prevention of blight within such areas; to authorize assistance in carrying out plans for local improvements by the acquisition and disposal of real property in such areas; to provide for the combining of neighborhood improvements that benefit the entire neighborhood into 1 improvement project; to provide for the establishment of local assessment districts coterminous with the neighborhood boundaries; to prescribe the methods of financing the exercise of these powers, and to declare the effect of this act," by amending sections 6a and 6b (MCL 125.946a and 125.946b), as amended by 1983 PA 38.

(Filed with the Secretary of State on May 9, 2002, at 3:46 p.m.)

Date: May 8, 2002

Time: 10:48 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 984 (Public Act No. 286), being

An act to amend 1923 PA 118, entitled "An act to authorize counties to raise by loan, expend from unallocated moneys on hand, or borrow money for permanent improvements, to issue bonds, and to levy taxes to the extent necessary for the repayment of the bonds," by amending section 1 (MCL 141.61).

(Filed with the Secretary of State on May 9, 2002, at 3:48 p.m.)

Date: May 8, 2002

Time: 10:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 985 (Public Act No. 287), being

An act to amend 1957 PA 57, entitled "An act to authorize cities and villages in Michigan to raise money by taxes or bond issue within certain limits for the purpose of establishing a local improvement revolving fund; providing for the use of moneys in the fund and the reimbursement of moneys used therefrom; and other matters relating to the creation of the fund and its use," by amending sections 1 and 3 (MCL 141.371 and 141.373).

(Filed with the Secretary of State on May 9, 2002, at 3:50 p.m.)

Date: May 8, 2002
Time: 10:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 986 (Public Act No. 288), being

An act to amend 1964 PA 205, entitled “An act authorizing the purchase by municipalities of fire trucks, fire fighting apparatus and equipment on executory title retaining contracts and under chattel mortgage financing,” by amending section 1 (MCL 141.451).

(Filed with the Secretary of State on May 9, 2002, at 3:52 p.m.)

Date: May 8, 2002
Time: 10:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 988 (Public Act No. 289), being

An act to amend 2000 PA 147, entitled “An act to authorize certain governmental units to issue notes or bonds for planning for the acquisition, construction, improvement, or installation of safe drinking water facilities; to provide security for the payment of the principal of and interest on the notes or bonds; and to prescribe the powers and duties of certain governmental units,” by amending sections 3 and 4 (MCL 141.1453 and 141.1454).

(Filed with the Secretary of State on May 9, 2002, at 3:54 p.m.)

Date: May 8, 2002
Time: 10:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1038 (Public Act No. 290), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 517 (MCL 750.517).

(Filed with the Secretary of State on May 9, 2002, at 3:56 p.m.)

Date: May 8, 2002
Time: 11:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1039 (Public Act No. 291), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 516 (MCL 750.516).

(Filed with the Secretary of State on May 9, 2002, at 3:58 p.m.)

Date: May 8, 2002
Time: 11:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1040 (Public Act No. 292), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 514 (MCL 750.514).

(Filed with the Secretary of State on May 9, 2002, at 4:00 p.m.)

Date: May 8, 2002
Time: 11:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1042 (Public Act No. 293), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 513 (MCL 750.513).

(Filed with the Secretary of State on May 9, 2002, at 4:02 p.m.)

Date: May 8, 2002
Time: 11:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1044 (Public Act No. 294), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 179 (MCL 750.179).

(Filed with the Secretary of State on May 9, 2002, at 4:04 p.m.)

Date: May 8, 2002
Time: 11:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1046 (Public Act No. 295), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 366 (MCL 750.366).

(Filed with the Secretary of State on May 9, 2002, at 4:06 p.m.)

Date: May 8, 2002
Time: 11:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1048 (Public Act No. 296), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by repealing section 266 (MCL 750.266).

(Filed with the Secretary of State on May 9, 2002, at 4:08 p.m.)

Date: May 8, 2002
Time: 11:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1059 (Public Act No. 297), being

An act to amend 1963 PA 62, entitled “An act relating to industrial development; to authorize municipalities to acquire and dispose of industrial buildings and sites and industrial machinery and equipment, including water and air pollution control equipment, solid waste disposal facilities, and tourist and resort facilities and to lease the same to persons, firms, or corporations; to authorize municipalities to acquire and dispose of water and air pollution control

equipment and solid waste disposal facilities and to lease or sell the same to persons, firms, corporations, or public utilities; to provide for the financing of such buildings, sites, machinery, and equipment or water and air pollution control equipment and solid waste disposal facilities by the issuance of revenue bonds and refunding bonds; to provide the terms and conditions of such bonds; to prescribe the powers and duties of the municipal finance commission; and to prescribe penalties and provide remedies,” by amending sections 4 and 9 (MCL 125.1254 and 125.1259), section 9 as amended by 1980 PA 90.

(Filed with the Secretary of State on May 9, 2002, at 4:10 p.m.)

Date: May 8, 2002

Time: 11:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1060 (Public Act No. 298), being

An act to repeal 1870 (Ex Sess) PA 5, entitled “An act to authorize the introduction of water into, and the construction or purchase of hydraulic works in the cities and villages in the state of Michigan,” (MCL 123.111 to 123.130).

(Filed with the Secretary of State on May 9, 2002, at 4:12 p.m.)

Date: May 8, 2002

Time: 11:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1061 (Public Act No. 299), being

An act to repeal 1923 PA 60, entitled “An act to authorize the board of supervisors of any county of this state, severally, or in conjunction with the legislative body or board of any 1 or more cities or villages having a population in excess of 5,000 according to the last official census to establish and operate a public agricultural produce market or markets or sell, exchange or abandon the same,” (MCL 46.101 to 46.104).

(Filed with the Secretary of State on May 9, 2002, at 4:14 p.m.)

Date: May 8, 2002

Time: 11:22 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1063 (Public Act No. 300), being

An act to amend 1981 PA 97, entitled “An act to permit the state to approve and make eligible for participation under this act local bonds or other obligations upon application of a county, city, village, township, or charter township; to prescribe the powers and duties of certain state agencies; to provide for the application of certain state shared revenues for payment on distributable aid obligations; and to prescribe certain other matters relating to the bonds and other obligations and state shared revenues,” by amending section 10 (MCL 141.1030), as amended by 1987 PA 281; and to repeal acts and parts of acts.

(Filed with the Secretary of State on May 9, 2002, at 4:16 p.m.)

Date: May 8, 2002

Time: 11:24 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1065 (Public Act No. 301), being

An act to amend 1957 PA 206, entitled “An act to authorize 2 or more counties, cities, townships and incorporated villages, or any combination thereof, to incorporate an airport authority for the planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating the landing, navigational and building facilities necessary thereto of 1 or more community airports; to provide for changes in the membership therein; to authorize an authority or the counties, cities, townships and incorporated villages that form an authority to levy taxes for such purposes; to provide for the operation and maintenance and issuing notes therefor; to authorize condemnation proceedings; and to prescribe penalties and provide remedies,” by amending section 9 (MCL 259.629), as amended by 1982 PA 312.

(Filed with the Secretary of State on May 9, 2002, at 4:17 p.m.)

Date: May 8, 2002
Time: 11:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1066 (Public Act No. 302), being

An act to amend 1986 PA 157, entitled “An act to help stimulate the expansion of international export markets of state products and services; to provide for the creation of the Michigan export development authority and to establish its board of directors; to prescribe the powers and duties of the authority and of the board; to provide for the issuance of, and certain terms and conditions of, bonds; to exempt bonds from certain taxes; to prescribe the powers and duties of certain state officers; and to provide for the creation of certain funds and for the funding of the creation and operation of the authority,” by amending section 10 (MCL 447.160), as amended by 1990 PA 304.

(Filed with the Secretary of State on May 9, 2002, at 4:18 p.m.)

Date: May 10, 2002
Time: 1:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 748 (Public Act No. 304), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” by amending the title and sections 3515, 3519, 3523, 3529, 3801, 3807, 3809, 3811, 3815, 3819, and 3829 (MCL 500.3515, 500.3519, 500.3523, 500.3529, 500.3801, 500.3807, 500.3809, 500.3811, 500.3815, 500.3819, and 500.3829), the title as amended by 1998 PA 457, sections 3515, 3519, 3523, and 3529 as added by 2000 PA 252, and sections 3801, 3807, 3809, 3811, 3815, 3819, and 3829 as added by 1992 PA 84, and by adding sections 224b, 3830, and 3830a; and to repeal acts and parts of acts.

(Filed with the Secretary of State on May 10, 2002, at 1:54 p.m.)

Date: May 11, 2002
Time: 11:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 685 (Public Act No. 305), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.1100) by adding section 64.

(Filed with the Secretary of State on May 13, 2002, at 3:45 p.m.)

Date: May 11, 2002
Time: 11:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 856 (Public Act No. 306), being

An act to amend 1948 (1st Ex Sess) PA 31, entitled “An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district’s boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district’s boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district’s boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies,” by amending section 11j (MCL 123.961j), as amended by 1983 PA 29; and to repeal acts and parts of acts.

(Filed with the Secretary of State on May 13, 2002, at 3:47 p.m.)

Date: May 11, 2002
Time: 11:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1068 (Public Act No. 307), being

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

(Filed with the Secretary of State on May 13, 2002, at 3:49 p.m.)

Date: May 11, 2002
Time: 11:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1069 (Public Act No. 308), being

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

(Filed with the Secretary of State on May 13, 2002, at 3:51 p.m.)

Date: May 11, 2002
Time: 11:08 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1070 (Public Act No. 309), being

An act to repeal 1911 PA 228, entitled “An act to authorize the boards of supervisors of the several counties in this state to borrow money, and issue bonds therefor, for the purchase of land and improve the same by the erection of

buildings and other improvements thereon or for the purpose of improving and erecting buildings upon lands already purchased and held by said county to be used for the purpose of holding thereon fairs and exhibitions of an agricultural character," (MCL 46.111).

(Filed with the Secretary of State on May 13, 2002, at 3:53 p.m.)

Date: May 11, 2002

Time: 11:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1071 (Public Act No. 310), being

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

(Filed with the Secretary of State on May 13, 2002, at 3:55 p.m.)

Date: May 11, 2002

Time: 11:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1072 (Public Act No. 311), being

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

(Filed with the Secretary of State on May 13, 2002, at 3:57 p.m.)

Date: May 11, 2002

Time: 11:14 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1075 (Public Act No. 312), being

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

(Filed with the Secretary of State on May 13, 2002, at 3:59 p.m.)

Date: May 11, 2002

Time: 11:16 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1081 (Public Act No. 313), being

An act to repeal 1931 PA 316, entitled "An act to authorize cities and villages to construct, own, equip, operate, maintain and improve works for the disposal of sewage; to authorize charges against owners of premises for the use of such works and to provide for the collection of the same; to authorize cities and villages to issue revenue bonds payable solely from the revenues of such works; and to make such bonds exempt from taxation and to make them lawful investments of sinking funds; to authorize contracts for the use of such works by private corporations and by other cities and villages and political subdivisions and charges against owners of premises therein served thereby," (MCL 123.201 to 123.220).

(Filed with the Secretary of State on May 13, 2002, at 4:01 p.m.)

Date: May 11, 2002
Time: 11:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1083 (Public Act No. 314), being

An act to repeal 1941 PA 66, entitled “An act validating all proceedings heretofore had by the governing body of any city in this state having a water front bordering on any navigable waters which has heretofore provided for the acquisition, improvement and repair of water front facilities and improvements and for the issuance of revenue bonds in payment of the cost thereof; validating provisions which may have been made by such cities for the operation and control of such facilities and improvements; granting to such cities the right to license ferries and similar commercial craft and to impose fees and charges for the use of public piers, wharves, docks and landing places therein and to regulate and license the construction, operation, maintenance and business of owning private piers, wharves, docks and landing places of boats, ferries and craft on and adjacent to any lands bordering on such navigable waters with power to cancel such licenses and to make rules and regulations governing the construction, operation and maintenance thereof; validating any agreements which may have been entered into for the leasing of any part of such facilities or improvements; authorizing the issuance of such bonds; and granting supervision and regulation by such cities of all lands located therein which border on such navigable waters, including lands owned by the state of Michigan,” (MCL 123.601 to 123.604).

(Filed with the Secretary of State on May 13, 2002, at 4:03 p.m)

Respectfully,
John Engler
Governor

The following message from the Governor was received on May 9, 2002, and read:

EXECUTIVE ORDER
No. 2002 - 10

**Division on Deafness
Advisory Council on Deafness
Division on Deaf and Hard of Hearing
Advisory Council on Deaf and Hard of Hearing
Family Independence Agency**

Executive Reorganization

Whereas, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

Whereas, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

Whereas, Act No. 72 of the Public Acts of 1937, as amended, being Section 408.201 et seq. of the Michigan Compiled Laws, created the Division on Deafness and the Advisory Council on Deafness within the Department of Labor; and

Whereas, Executive Order 1996-2, being Section 445.2001 of the Michigan Compiled Laws, transferred the Division on Deafness and the Advisory Council on Deafness from the Department of Labor to the Family Independence Agency; and

Whereas, the current names of the Division on Deafness and the Advisory Council on Deafness do not accurately describe the entire population served by those entities; and

Whereas, it is necessary in the interests of efficient administration and the effectiveness of government to effect changes in the organization of the Executive Branch of government.

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

The Division on Deafness is hereby renamed the Division on Deaf and Hard of Hearing. The Advisory Council on Deafness is hereby renamed the Advisory Council on Deaf and Hard of Hearing.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 8th day of May, in the Year of our Lord, Two Thousand Two.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary

The Executive Order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

May 9, 2002

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

Physician's Assistants Task Force

Dr. Frank D. Winters, 3714 Wabeek Lake Drive W., Bloomfield Hills, Michigan 48302, county of Oakland, as a member representing the Michigan Board of Osteopathic Medicine and Surgery, succeeding Dr. Tammy Lynn Born of Caledonia, whose term has expired, for a term expiring on December 31, 2005.

Dr. William H. Fenn, 2300 Ramblewood Drive, Kalamazoo, Michigan 49009-8914, county of Kalamazoo, as a member representing professionals, succeeding Ms. Judith Ann Zaczek of Sterling Heights, whose term has expired, for a term expiring on December 31, 2005.

Ms. Lori Oswald, 3800 Sweetbrier Terrace, Midland, Michigan 48642, county of Midland, as a member representing professionals, succeeding Mr. Ronald X. Stavale of Pleasant Ridge, whose term has expired, for a term expiring on December 31, 2005.

May 10, 2002

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

Vice President of Michigan Broadband Development Authority Board

Mr. Robert L. Filka, 528 Riverwalk Drive, Mason, Michigan 48854, county of Ingham, as Vice President, for a term beginning on May 13, 2002 and expiring at the pleasure of the Governor.

May 10, 2002

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

Michigan Public Educational Facilities Authority

Mr. Mark J. Burzych, Associate Attorney, Foster, Swift, Collins, & Smith, P.C., 311 S. Washington Square, Lansing, Michigan 48933, county of Ingham, as Chair, for a term beginning on May 16, 2002 and expiring at the pleasure of the Governor, based on E.O. 2002-3.

Mr. Mark J. Burzych, Associate Attorney, Foster, Swift, Collins, & Smith, P.C., 311 S. Washington Square, Lansing, Michigan 48933, county of Ingham, as a member representing Republicans, for a term beginning on May 16, 2002 and expiring on March 18, 2006, based on E.O. 2002-3.

Mr. Timothy A. Hoffman, Consumers Energy, Regulatory Affairs, 124 W. Allegan Street, Suite 2000, Lansing, Michigan 48933, county of Ingham, as a member representing Republicans, for a term beginning on May 16, 2002 and expiring on March 18, 2006, based on E.O. 2002-3.

Ms. Yvonne Blackmond, 30365 Rock Creek Drive, Southfield, Michigan 48076, county of Oakland, as a member representing Democrats, for a term beginning on May 16, 2002 and expiring on March 18, 2004, based on E.O. 2002-3.

Mr. Eldon G. Hancock, 326 N. Chestnut Street, Lansing, Michigan 48933, county of Ingham, as a member representing Democrats, for a term beginning on May 16, 2002 and expiring on March 18, 2005, based on E.O. 2002-3.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 517, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2000 PA 29.

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. 627, entitled

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending section 4 (MCL 408.684), as amended by 1998 PA 137.

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

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

Senate Bill No. 776, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending sections 2 and 17 (MCL 487.2052 and 487.2067), as amended by 1999 PA 275, and by adding sections 10f, 10g, 10h, 10i, 10j, and 10k.

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

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

Senate Bill No. 777, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a, 11, and 22 (MCL 445.1651a, 445.1661, and 445.1672), sections 1a and 22 as amended by 1996 PA 210, and by adding sections 18a, 18b, 18c, 18d, and 18e.

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

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

Senate Bill No. 778, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending sections 1, 6b, and 24 (MCL 493.51, 493.56b, and 493.74), sections 1 and 24 as amended and section 6b as added by 1997 PA 91, and by adding sections 14a, 14b, 14c, 14d, and 14e.

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

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

Senate Bill No. 779, entitled

A bill to amend 1939 PA 21, entitled "Regulatory loan act of 1963," by amending sections 1, 9, 12, and 18 (MCL 493.1, 493.9, 493.12, and 493.18), section 1 as amended by 1996 PA 184, section 12 as amended by 1991 PA 14, and section 18 as amended by 1995 PA 165, and by adding sections 9a, 9b, 9c, 9d, 9e, 9f, and 9g.

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 amended the title to read as follows:

A bill to amend 1939 PA 21, entitled "An act to define and regulate the business of making regulatory loans; to permit the licensing of persons engaged in that business; to provide for the administration of this act and for the promulgation of rules; and to prescribe penalties," by amending sections 1 and 12 (MCL 493.1 and 493.12), as amended by 2001 PA 270, and by adding sections 9a, 9b, 9c, 9d, 9e, 9f, and 9g.

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

Senate Bill No. 780, entitled

A bill to amend 1960 PA 136, entitled "Sale of checks act," by amending sections 2, 12, and 15 (MCL 487.902, 487.912, and 487.915), sections 2 and 12 as amended by 1986 PA 275, and by adding sections 12b, 12c, 12d, 12e, 12f, 12g, and 12h.

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

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

Senate Bill No. 834, entitled

A bill to amend 1994 PA 53, entitled "An act to authorize internally pooled investments by certain local governmental units," by amending section 1 (MCL 123.931).
The House of Representatives has substituted (H-1) the bill.
The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.
Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 840, entitled

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

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending section 4 (MCL 141.934), as amended by 1998 PA 528.
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. 870, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 275, 278, 280, 434, 435, 479, and 531 (MCL 280.275, 280.278, 280.280, 280.434, 280.435, 280.479, and 280.531), section 280 as amended by 1983 PA 176 and section 434 as amended by 1980 PA 297.
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. 1019, entitled

A bill to amend 1962 PA 213, entitled "An act to encourage the raising of started pullets; to provide for the inspection and certification as to the age, condition and health of started pullets; to define certain terms; to provide authority to establish and collect fees; to impose certain responsibilities on the department of agriculture; to grant authority to make rules and regulations to carry out the purpose of this act; and to prescribe penalties for violation thereof," by repealing section 4 (MCL 287.174).
The House of Representatives has passed the bill and ordered that the bill be given immediate effect.
The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1025, entitled

A bill to repeal 1865 PA 165, entitled "An act making it obligatory upon banks and bankers in this state to stamp counterfeit, altered and worthless bank bills," (MCL 487.651 to 487.652).
The House of Representatives has passed the bill by a 2/3 vote and ordered that the bill be given immediate effect.
The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 1043, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2000 PA 473.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), 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. 1049, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16n of chapter XVII (MCL 777.16n), as added by 1998 PA 317.

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. 1096, entitled

A bill to amend 1937 PA 10, entitled "An act to define the use of travel aids by blind persons; to provide protection against accidents to such persons; to require instruction and examination in certain circumstances; and to provide penalties for violation hereof," by amending sections 1a and 2 (MCL 752.51a and 752.52), section 1a as added and section 2 as amended by 1986 PA 62.

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

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

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

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

Senator Bennett entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senate Bill No. 287, entitled

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2002; to implement the appropriations within the budgetary process; to authorize certain land transfers; and to provide for the expenditure of appropriations.

(The bill was read a third time on May 9, amendments adopted and the motion to reconsider the vote postponed. See Senate Journal No. 42, p. 1191.)

The question being on the motion to reconsider the vote by which the amendment offered by Senator Young was adopted,

The motion prevailed.

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 564

Yeas—19

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

Nays—15

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

Senator Stille’s statement, in which Senator Gougeon concurred, is as follows:

We just successfully screwed a whole bunch of bridge projects here in the state of Michigan. We just iced \$24 million out of the transportation budget, which means we will not be building a significant part of the bridges. The 75 percent that goes to the state will get done; the other 25 percent will not get spent. This is foolish; this is just plain stupid. People out here are casting votes because they say they are carrying the water for local government. They just screwed local government.

Senator DeGrow’s statement is as follows:

I voted “no” on the amendment because it was simply a request for a handout of money versus an overall plan as to how the city of Highland Park would ultimately get out of debt. If the good Senator wants to work with the receiver, the Executive Office, and everyone and come forth with a plan and say, “This is how over time the city of Highland Park will solve its problems and get out of debt. Here’s everything we’re going to do to do it,” is one thing. To continually come before this body for a handout and throw money down there without any type of plan, is just wasting money. Until they’re serious about solving their problems, we aren’t going to give them any money.

Senator Gast’s statement is as follows:

I just have a suggestion that if it’s such a good deal for Highland Park, why doesn’t the city of Warren loan them \$5 million. Then Highland Park can pay back Warren, and the state’s out of it and keeps it in local hands.

Senator Scott offered the following amendments:

- 1. Amend page 24, following line 12, by inserting:
“City of Highland Park 5,000,000”.
- 2. Amend page 24, following line 14, by inserting:
“Tobacco settlement trust fund 5,000,000”

and adjusting the subtotals, totals, and section 201 accordingly.

- 3. Amend page 33, following line 2, by inserting:

“Sec. 603. The appropriation in part 1 for the city of Highland Park shall be used only for the following purposes: payroll expenses, insurance premiums, IRS assessment, workers’ compensation expenses, auto and property insurance, unemployment compensation, legal fees, an emergency finance manager, accounting assistance, finance department contractors, refuse collection contract, bond payments, utilities, lawsuit settlements, personal income tax refunds, computer hardware and software upgrades and training for accounting and income tax purposes, a pension consultant, city hall repairs, fire fighting expenses, annual leave payoff of former employees, and dumping, lot, and lawn maintenance contracts.”.

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

Senator Scott offered the following amendments:

- 1. Amend page 24, following line 12, by inserting:
“City of Highland Park 5,000,000”.
- 2. Amend page 24, following line 14, by inserting:
“State services fee fund 5,000,000”

and adjusting the subtotals, totals, and section 201 accordingly.

- 3. Amend page 33, following line 2, by inserting:

“Sec. 603. The appropriation in part 1 for the city of Highland Park shall be used only for the following purposes: payroll expenses, insurance premiums, IRS assessment, workers’ compensation expenses, auto and property insurance, unemployment compensation, legal fees, an emergency finance manager, accounting assistance, finance department contractors, refuse collection contract, bond payments, utilities, lawsuit settlements, personal income tax refunds, computer hardware and software upgrades and training for accounting and income tax purposes, a pension consultant, city hall repairs, fire fighting expenses, annual leave payoff of former employees, and dumping, lot, and lawn maintenance contracts.”.

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

Senator Scott requested the yeas and nays.

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

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

Roll Call No. 566

Yeas—14

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

Nays—21

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

Excused—3

Garcia	Johnson	Vaughn
--------	---------	--------

Not Voting—0

In The Chair: Schwarz

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. 567**Yeas—32**

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

Nays—3

Hart	Miller	Scott
------	--------	-------

Excused—3

Garcia	Johnson	Vaughn
--------	---------	--------

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Scott, Miller and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 287.

Senator Scott moved that the statements she made during the discussion of the amendments be printed as her reasons for voting “no.”

The motion prevailed.

Senator Scott’s first statement, in which Senator Hart concurred, is as follows:

To my colleagues on both sides of the aisle, this is a very, very important amendment. This amendment means whether or not my city, the city of Highland Park, survives. And it’s better to be proactive because I have been asking the state since ’95 that they go into that city and find out exactly what the finances were. For over the last 20 years, we have been sending reports to the state regarding the finances of Highland Park. There has been a person who has been appointed to make sure that the state receives a monthly report, and I’ve indicated to them that I thought the state needed to go in themselves and really investigate and see what the problems are in Highland Park. Well, that has not been done.

There was even a time when the citizens were being gouged with their water bills. They sent someone in, so they tell me, but I never really was able to sit down and talk to this group. So it leads me to believe that the state has really not done their job as well as they could have done it. So now I’m asking you once again to help the city of Highland Park. These monies will allow the financial manager, Ms. Pearson, to get control of the situation with the vendors, the employees, and the pensioners. It will help to satisfy the accrued leave, sick, and vacation time and curtail the lawsuits by individuals and companies demanding to get paid, besides the others which the city must defend.

As I indicated to you last week, we have allowed it now to get into a catastrophic bind, but you can stop the hemorrhaging today if you will support my amendment. This could happen to any of our cities. These are taxpayers who have been paying taxes to the state and continue to pay taxes for this state. So I ask you to support this amendment, and once we pass this amendment, there are plans to move forward. But we need this \$5 million now, and so I ask you again today for your support of this amendment.

Senator Scott’s second statement, in which Senator Hart concurred, is as follows:

We want to file for bankruptcy, and the state does not want us to file. Now what is it that we can do? I’m asking you for your help on this. We have to do something, or we are all just gonna fall down. When do you come to the rescue of anyone? We have given \$5 million for ludicrous things. We need this \$5 million now to help the city. You’ve got to let us do one or the other. We either have to file for bankruptcy, or you have to help us. Now I’m asking you for help.

Senator Scott’s third statement, in which Senator Hart concurred, is as follows:

I just want to let my colleagues know that this is to be a drawdown, and this is to be used specifically for what is in this amendment, so this money will not be spent unnecessarily. So I would hope that my colleagues will support this amendment.

Senator Scott’s fourth statement, in which Senator Hart concurred, is as follows:

I will be up here every day trying to get these dollars for my city. If you can do it for the farmers, you can do it for my city. These are taxpayers also. So I ask my colleagues to reconsider and give me a vote.

Senator Scott’s fifth statement, in which Senator Hart concurred, is as follows:

We make a difference in people from different parts of this state, and I’m appalled at it.

Senator Miller’s statement, in which Senator Hart concurred, is as follows:

I grew up in Macomb County, north of Highland Park. Highland Park has a history. Many members of my family worked in Highland Park—worked at the Dodge/Chrysler headquarters. Highland Park was a great, great city. When people talked about the city of Detroit, they talked about Highland Park—the avenue in the middle of the city of Detroit. They were better known around the country than the city of Detroit because of the great corporate headquarters for the Chrysler Corporation.

The Chrysler Corporation meant a lot to that community. Ford Motor Company meant a lot to that community. Now we just say, “Well, they’ve reached financial hardship.” You and I know that when corporations pick up and move out, you leave a ghost town atmosphere. Meanwhile, there’s still, as Senator Scott said, 16,000 people who live there and depend on police, fire, and emergency runs. I just saw in the middle of this argument, a couple of weeks ago when Senator Scott brought it to our attention, the mayor of Detroit said that he wasn’t going to have his fire department make any runs. What do we tell those people who happen to reside there and pay taxes? I still think that the Highland Park community is a part of this state.

I have great memories of that community. I think that corporate America deserted Highland Park, and I don't think this body should desert the people who still live there. They have the tenacity to fight to make it a good community; to be part of Michigan. The Senator has fought for them. I think this administration needs to do more.

When we pass these hundreds of millions of dollars in appropriation bills, we find causes that go beyond the imagination. I think we owe those citizens who paid their fair share of taxes for decade after decade. We can't just let them pull the plug and say, "Well, just flow into the Detroit River." That's not what we do to our communities because they come from southeast Michigan. Let's help them. We can find the resources. I urge the administration and I urge the chairman of the Appropriations Committee. Let's help our community. That's what we're here for—to make Michigan grow, not to say, "Well, fold up your tent and go home."

That's why I voted "no" on the bill. I think we deserve to renew this issue and help the people of Highland Park because someone has to be there to make those fire calls, those police calls, and those emergency calls. I commend the good Senator for such a gallant fight, and maybe we'll listen to the message a little closer the next time.

Senator Hart's statement is as follows:

I want to say that when we prioritize the importance to farmers for the turkeys that we destroyed, that's a sad commentary when we forget all about the humane aspect. That's the people of Highland Park. To prioritize the best interest of the farmers and their turkeys over the people of Highland Park, that's a sad commentary.

Senators Hoffman and Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hoffman's statement is as follows:

I'm sure last week we had an important vote on this issue like we'll have another important vote on this issue today. But I would ask you today to consider this a little history lesson on this particular issue. Last year, this issue that Senator Young is trying to champion this morning was contained in Senate Bill No. 239, our transportation appropriations bill last year, in which we appropriated \$24 million of the \$120 million of the federal critical bridge money that goes to the state of Michigan. We appropriated that money—\$24 million—last year. Do your math and that's a 75-25 split—75 percent for the state and 25 percent for the locals. The year before, the Governor vetoed that particular section in the bill, and you know what, last year he did the same thing.

The money that's in this supplemental appropriations bill takes us back to the original \$18 million level. That's 85 percent state and 15 percent local. Based on what I know to be true, the Governor for the past two years has vetoed those sections. What that has done is that has really negated the hard work that our transportation appropriations bill and the members did last year in which we said by the 15th of February the Department of Transportation had to notify the locals of their critical bridge list so that we could begin to get working on it. Well, you know, the Governor vetoed that section for the last two years. For the past two years and again this year, those dollars have been slow coming back locally. They haven't been appropriated yet. We're trying to appropriate those dollars here.

This is veto restoration language. That money should have been sent locally October 1. That money should have been identified and used in projects awarded after February 15. We still haven't appropriated the money. The fact of the matter is the Governor vetoed it twice before, and I believe that if we adopt the Young amendment, he will veto the language again—that section again—and further delay this issue, further delaying those critical bridges from being repaired. It's more than just an amendment; it's a step in the wrong direction.

I can tell you that I know John Engler, and he stands by what he does. He's vetoed this twice before, and this Legislature's never overridden a gubernatorial veto. I have no reason to believe we'll override a gubernatorial veto this time. I'll take the \$18 million sure thing and go back and try to renegotiate or go back and try to get a better piece of the action. But knowing where we've been, I have to believe if this amendment passes, we're setting ourselves up for a certain gubernatorial veto for at least the third time in three years. I ask you to think long and hard about supporting this amendment.

Senator Smith's statement is as follows:

I rise to support the Scott amendment. We have one city in desperate trouble. We have one city that is prepared to file bankruptcy, but as the Senator from that district pointed out, we have a Governor who is intent on not allowing that to happen. Oh my God, let's not save the life of a city that the Michigan Economic Development Corporation in its notations to businesses are citing as one of the potentially great areas for businesses to locate in the state of Michigan. But it's not going to be a great area if it can't get on its feet, and it can't get on its feet if it's faced with this \$5 million that it can't potentially erase because it doesn't have, as they are asking for an account assistant to identify some of the problems with the back taxes that need to be collected.

If they can't pay the workers' compensation insurance premiums that they owe the state; if they can't pay the health and vision insurance—the city of Highland park is not asking for janitorial service. They're asking for those things that make a city livable—rubbish collection—so that the health of the citizens can be maintained while the city gets on its feet. This \$5 million can put the city on its way to solvency, as opposed to the \$5 million we gave to 500 farmers in a grant from our General Fund so that they could spend it on participation in some ethanol project that was fully financed without one dime of mortgage. It was going to benefit them, 500 farmers, but we can't help 15,000 residents of Highland Park.

The residents are not in denial. They know that some of the problem is indeed their fault, and they understand that oversight of the elected government is a major responsibility of the electorate. They are prepared to do that oversight, but they have to have a city to oversee. And these dollars put that money in place so that the city can survive. If the Michigan Economic Development Corporation thinks it's a city worth taking a risk on or taking an option to do business there, then I think the state of Michigan ought to put up some dollars to help make that come true.

The following bill was read a third time:

Senate Bill No. 928, entitled

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

(This bill was defeated on May 9 and the motion to reconsider the vote postponed. See Senate Journal No. 42, p. 1189.)

The question being on the motion to reconsider the vote by which the bill was defeated,

The motion prevailed.

The question being on the passage of the bill,

Senator Emerson moved that Senator Young be excused from the balance of today's session.

The motion prevailed.

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

Roll Call No. 568

Yeas—22

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

Nays—12

DeBeaussaert	Hart	McCotter	Scott
Emerson	Koivisto	Murphy	Shugars
Goschka	Leland	Sanborn	Smith

Excused—4

Garcia	Johnson	Vaughn	Young
--------	---------	--------	-------

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

House Bill No. 5845

Senate Bill No. 1265

Senate Bill No. 1266

Senate Bill No. 1267

Senate Bill No. 1268

Senate Bill No. 1269

Senate Bill No. 1300

Senate Bill No. 1301

Senate Bill No. 1302

House Bill No. 5850

The motion prevailed.

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 Sanborn as Chairperson.

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

Senate Bill No. 1119, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16621 (MCL 333.16621), as amended by 2000 PA 160.

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

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

House Bill No. 5556, entitled

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

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:

House Bill No. 5642, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (S-1).

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

1. Amend page 29, following line 6, by inserting:

"Sec. 808. Of the amount appropriated in section 110 for premiums, \$11,400.00 shall be expended as a grant for the Michigan horse show association - fall youth show."

2. Amend page 30, line 25, after "fairs," by striking out "\$25,000.00" and inserting "\$49,000.00".

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. 5644, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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. 5647, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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.

Resolutions

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

Senate Resolution No. 224

The resolution consent calendar was adopted.

Senators Cherry, Young, Scott, Koivisto, Hart, DeBeaussaert, Miller, Emerson, Leland, Dingell, Byrum, Murphy, Peters and Smith offered the following resolution:

Senate Resolution No. 224.

A resolution to urge the Democratic National Committee to select Detroit to be the host city for the 2004 national convention.

Whereas, As the selection committee of the Democratic National Committee makes its determinations on the site for the national convention in the summer of 2004, it is most appropriate for us to highlight the many ways in which Detroit is best positioned to host this gathering. Detroit's past, its people, and its projections for the future symbolize the character of our country and reflect our shared ideals and aspirations; and

Whereas, A national political convention offers the American people an opportunity to consider the many challenges we face and how we should address them in actions. Such an important dialogue can be made far more meaningful by taking place in a city that truly embodies our national experience. Our country's most profound concerns, safeguarding our people, strengthening our economy in the global marketplace, and offering hope and help to the disadvantaged are on Detroit's agenda every day; and

Whereas, A city and region with major stakes in international trade, environmental concerns, and new approaches to revitalizing individuals and communities, Detroit harbors a dynamism that is made stronger by the diversity of its people and its resources. Detroit's strong ties to the Democratic Party are reflected in the history of the labor movement and the leadership the city has demonstrated on several public policy issues over the years; and

Whereas, Detroit has proven its ability to host major gatherings of all types. This experience includes its great success in 1980 in hosting the national presidential convention of the Republican Party. Clearly, this is a city with a tradition of energy, responsiveness, and resourcefulness that will ensure the success of the 2004 Democratic national convention; now, therefore, be it

Resolved by the Senate, That we urge the Democratic National Committee to select Detroit to be the host city for the 2004 national convention; and be it further

Resolved, That copies of this resolution be transmitted to the Democratic National Committee.

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 Johnson offered the following resolution:

Senate Resolution No. 223.

A resolution to memorialize the Congress of the United States to enact legislation regarding consumer protection measures to address Internet service provider consumer complaints.

Whereas, The swift changes of technology offer many opportunities for our citizens. The speed of these changes, however, often presents notable challenges as well. This is especially true when technological changes take place in activities that the people have chosen to regulate. The convergence of cable television and Internet service providers is now presenting challenges in our state; and

Whereas, Cable television services are generally governed by franchising agreements established between local communities and cable companies under guidelines established in federal law and regulated by the Federal Communications Commission. Among the many provisions of cable franchise agreements are consumer protection stipulations. These contractual agreements can provide for the enforcement of ordinances addressing complaints from consumers; and

Whereas, As more cable television companies now also become Internet service providers, people having difficulties with their Internet service providers are bringing complaints to their local cable authorities. However, the FCC has ruled that cable companies that also provide Internet service may not be regulated in the same manner. This is a growing source of frustration to consumers and local communities seeking certain standards of consumer protection; and

Whereas, Local franchising authorities ought to have the ability to enforce consumer protection ordinances regarding cable Internet service providers in a manner similar to their authority regarding cable television; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to authorize local franchising authorities and local units of government to enforce consumer protection ordinances regarding cable Internet service provider consumer complaints; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Federal Communications Commission.

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

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

Senator Young was named co-sponsor of the resolution.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

There is a plan. I will certainly share that plan with anyone who would like to see it—if you're going to be amiable to helping my city. This plan was submitted some time ago to the loan board. We are awaiting the loan board to come back with whether or not they will agree with this plan. If they don't agree with this plan, I would hope that they would help us—help get a plan together.

The plan was bankruptcy. I'm told that some folks are not agreeing with the bankruptcy. If you don't agree with the bankruptcy, I would like for you to help us come up with a plan.

This is a city of human beings. We have sat here today and passed a lot of budget items; some that I thought were very frivolous, but they went through without much talk at all. I am talking about people who pay taxes to this state. We don't pay our taxes to Warren, Michigan. We pay them to the state. That's why I'm looking to this state for some help for this city. Again, I will continue, for my city, to make sure that we have some plans.

This is a city that is centrally located in the middle of Detroit where Woodrow Avenue goes straight down. Ford Motor Company started their first assembly line here in Highland Park. They were able to leave the city of Highland Park without giving any dollars. There is an historical marker on Woodrow Avenue in front of a building that was owned by the Ford Motor Company that they have just neglected.

Chrysler Corporation moved a lot of people out of the city of Highland Park. They took one whole area—the area I grew up in—and didn't leave anything in lieu of taxes because there was nothing that said that they had to. All of a sudden, they decided to just move out. I remember when they were bankrupt, and the government helped them to become solvent again. They moved on to Auburn Hills and left the city high and dry. They did not give the residents of that community the kind of dollars they should have been given for their homes. So I think now that the state should come up to par and help this city that others have just left and abandoned.

It was said earlier that we were a city that's second to none. We have paid our fair share of taxes to the state, and I would hope that this state would give something in return. The time is now. So I ask you for your support again. I will be sharing these plans, certainly, if you are serious about this city. You certainly ought to be because we are still paying taxes. I ask you again for your support.

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

Senators Bennett, Stille, Schuette, Garcia, Shugars, Sanborn and Gougeon introduced

Senate Bill No. 1323, entitled

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

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Hammerstrom, Sikkema and Leland introduced

Senate Bill No. 1324, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2001 PA 268.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Dunaskiss, North, Shugars, McCotter, Bullard, Goschka and Garcia introduced

Senate Bill No. 1325, 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.

House Bill No. 5361, entitled

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

The 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. 5362, entitled

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

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. 5363, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 11, 213, 216, 217, 217c, 222, 226, 226a, 233b, 244, 248, 249, 251, and 251a (MCL 257.11, 257.213, 257.216, 257.217, 257.217c, 257.222, 257.226, 257.226a, 257.233b, 257.244, 257.248, 257.249, 257.251, and 257.251a), section 11 as amended by 1990 PA 154, section 216 as amended by 1996 PA 141, sections 217, 222, and 251 as amended by 2000 PA 397, sections 217c and 249 as amended by 1993 PA 300, section 226 as amended by 2000 PA 36, section 226a as amended by 1998 PA 384, section 233b as added by 1994 PA 305, section 244 as amended by 2000 PA 369, section 248 as amended by 1999 PA 172, and section 251a as added by 1990 PA 265.

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. 5364, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 11 (MCL 257.11), as amended by 1990 PA 154, and by adding section 248j.

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. 5365, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217 and 234 (MCL 257.217 and 257.234), section 217 as amended by 2000 PA 397 and section 234 as amended by 2000 PA 151.

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. 5552, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17401, 17431, and 17432 (MCL 333.17401, 333.17431, and 333.17432), sections 17401 and 17432 as amended by 1997 PA 151 and section 17431 as amended by 1994 PA 234.

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 Health Policy.

House Bill No. 5804, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 222, and 251 (MCL 257.217, 257.222, and 257.251), as amended by 2000 PA 397, and by adding section 17c.

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. 5857, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 81.

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

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

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 929, entitled

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

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1099, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2002 and September 30, 2003; to implement the appropriations within the budgetary process; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young and DeBeaussaert

Nays: Senator Dingell

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

The Committee on Appropriations reported

House Bill No. 5645, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to create

funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5646, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal years ending September 30, 2002 and September 30, 2003; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2003; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Smith, Koivisto, DeBeaussaert and Dingell

Nays: Senator Goschka

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

The Committee on Appropriations reported

House Bill No. 5650, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5651, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2003; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and

duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Hoffman, Gougeon, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: Senators Johnson, North, Bennett and Stille

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, May 8, 2002, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), McManus, Schwarz, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Excused: Senator Murphy

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1275, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 5, 5a, 7, 8, 9, and 10 (MCL 28.722, 28.725, 28.725a, 28.727, 28.728, 28.729, and 28.730), sections 2, 5, 7, 8, 9, and 10 as amended and section 5a as added by 1999 PA 85, and by adding section 4a.

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, Sanborn, Hart 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 submitted the following:

Meeting held on Wednesday, May 8, 2002, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senators Gougeon, Goschka and Johnson

Scheduled Meetings

Banking and Financial Institutions - Thursday, May 16, 9:00 a.m., Room 210, Farnum Building (373-2420)

Economic Development, International Trade and Regulatory Affairs - Thursday, May 16, 1:00 p.m., Room 100, and Tuesday, May 21, 1:00 p.m., Room 110, Farnum Building (373-7946)

Families, Mental Health and Human Services - Wednesday, May 15, 3:00 p.m., Room 100, Farnum Building (373-3543)

Farming, Agribusiness and Food Systems - Wednesday, May 15, 1:30 p.m., Room 405, Capitol Building (373-1725)

Human Resources and Labor - Wednesday, May 15, 1:00 p.m., Room 110, Farnum Building (373-1801)

Judiciary - Wednesday, May 15, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:57 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, May 15, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

