

No. 64
STATE OF MICHIGAN
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REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, September 25, 2002.

10:00 a.m.

The Senate was called to order by the Assistant Associate President pro tempore, Senator Arthur J. Miller, Jr.

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

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

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

Sanborn—present
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—excused
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 another wonderful day in which we have the opportunity to serve the people of the state of Michigan. We thank You for Your grace in our lives. We thank You for the daily protections that You give us.

We ask that as we conduct the people's business today that we would ever be mindful of the awesome responsibility and honor that we have been given. Help us in our deliberations to be fair-minded, to be honest, and in all of our dealings, ultimately, to give glory to You.

We thank You for all that You have done in this state for the people whom we represent. And for those today who are hurting, who have needs, we pray that You would visit upon those needs through Your providence.

We pray all of this in Jesus' name. Amen.

The Assistant Associate President pro tempore, Senator Miller, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Emmons moved that Senators Schwarz, Hammerstrom and Bullard be temporarily excused from today's session.

The motion prevailed.

Senator Emmons moved that Senator Stille be excused from today's session.

The motion prevailed.

Senators Hammerstrom, Smith, Schwarz, Murphy and Gast entered the Senate Chamber.

Senator Emerson moved that Senators Byrum and Young be temporarily excused from today's session.

The motion prevailed.

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

Senate Bill No. 1444

The bill was referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

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

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

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, September 24:

House Bill Nos. 4376 5484 6073

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

Senate Bill Nos. 1446 1447

Recess

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

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

10:14 a.m.

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

During the recess, Senator Garcia introduced to the Senate Armando Ojeda, Executive Director of the Michigan Hispanic Chamber of Commerce, and Mariano Pallares, Chairman of the Commission on Spanish-Speaking Affairs, and presented them with Senate Resolution No. 263, commemorating Hispanic Heritage Month.

Messrs. Ojeda and Pallares responded briefly.

During the recess, Senators Young, Bullard and Byrum entered the Senate Chamber.

Senators Koivisto, Schwarz 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 Koivisto's statement is as follows:

This a sad time of year when several of our friends, employees, and colleagues will begin to depart to pursue other life adventures. Today, I want to make a presentation to one of our trusted employees who will be taking the early retirement and will be leaving us as of November 1. That employee is Barb Sullenger.

Barb has worked for the Senate for 22 years; the last 17 years have been with the central staff. I have probably worked the closest with her as any legislator because we have had so many subcommittees together all the way from community colleges to higher education to casino oversight, and during the time that we have been working together, there have been many tough issues to deal with—tough budgetary concerns.

This lady has been nothing but true class. She is quite an employee, she is responsible as ever, and she can conduct her business in a true professional manner. As she departs and moves to warmer climates for the winter that is coming up, I just want to explain to the body and to Barb what a great pleasure it has been to serve with her. She truly did her job as a Senate employee, and she has been a valued member of our community.

I want to present a tribute to her from several of her Senate colleagues and just conclude by saying congratulations on a job well done, Barb. I don't know how you could have done a better job than what you have done.

Senator Schwarz's statement is as follows:

As one of the staff members who attended every one of the Appropriations Subcommittee on Higher Education meetings, Barb has been a great resource for higher education, both on the Republican and Democratic side—I should say the Democratic and Republican side. She has been at each one of our subcommittee meetings on higher education for many years. As a member of the Republican Caucus, I can tell you I appreciate Barb's input on higher education matters, probably almost as much as my good friends of the Democratic Caucus do. Thanks, Barb, very much.

Senator Smith's statement is as follows:

It has been my pleasure to serve with Barb Sullenger for 16 years—8 years as a staff member and 8 years as a Senator. As you and Senator Koivisto have pointed out, Barb has been an absolutely tremendous resource to the higher education and the community colleges subcommittees of appropriations. She has also been a resource to her community and to her son Scott. Barb is one of those single moms who has toiled along and raised a child successfully into adulthood. She has set for many of us a great model of a person with a good sense of humor and perseverance. I am so delighted to watch Barb move on to what I know is her next career. I know Barb is not retiring, retiring, but she is going South to look for something different that will challenge her creativity and her brain power. I look forward to hearing from her in the future.

Senator Emmons moved that Senator Dunaskiss be temporarily excused from the balance of today's session.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 287, entitled

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments for the fiscal year ending September 30, 2002 and the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-2).

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

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Steil as Chairperson.

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

Senate Bill No. 1375, entitled

A bill to allow the state to amend certain deeds.

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:
Senate Bill No. 1401, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 518.

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 6041

House Bill No. 6042

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

Senator Dunaskiss entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

General Orders

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Steil as Chairperson.

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

House Bill No. 6041, entitled

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

House Bill No. 6042, entitled

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

The bills were placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 1417

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Johnson, Hammerstrom, Sikkema, Steil, Stille, Garcia, Goschka, Gast, Gougeon, McManus, North, McCotter, Sanborn, Bennett, Bullard, Emmons and Miller introduced

Senate Joint Resolution W, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II and sections 1 and 2 of article XII, to require the cost of implementation and revenue source for that cost to appear in the petition for and on the ballot with a proposed constitutional amendment or initiative.

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

Senator Goschka introduced

Senate Bill No. 1448, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1307a and 1344 (MCL 600.1307a and 600.1344), section 1307a as amended by 1986 PA 104 and section 1344 as amended by 1982 PA 226.

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

Senator North introduced

Senate Bill No. 1449, entitled

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

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

Senator Johnson introduced

Senate Bill No. 1450, entitled

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

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

Senator Dingell introduced

Senate Bill No. 1451, entitled

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

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

Senator Scott introduced

Senate Bill No. 1452, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2001 PA 202 and section 8371 as amended by 1996 PA 388.

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

Senator Shugars introduced

Senate Bill No. 1453, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties," by amending section 1 (MCL 35.621), as amended by 1996 PA 108.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Peters and Cherry introduced

Senate Bill No. 1454, entitled

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending section 101 (MCL 451.501), as amended by 2000 PA 494, and by adding section 410a.

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

Senator McCotter introduced

Senate Bill No. 1455, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 622b.

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

Senator Bullard introduced

Senate Bill No. 1456, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 463, 467, and 468 (MCL 280.463, 280.467, and 280.468).

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

House Bill No. 4376, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 4 (MCL 38.1304), as amended by 2002 PA 94, and by adding section 92.

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

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

House Bill No. 5484, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 18e.

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

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

House Bill No. 6073, entitled

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

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

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

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

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 554, entitled**

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

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. 555, entitled

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

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. 556, entitled

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

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. 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 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. 1316, entitled

A bill to create and provide for the operation of the Michigan next energy authority; to provide for the powers and duties of the authority; to promote alternative energy technology and economic growth; and to exempt property of an authority from tax.

The House of Representatives has concurred in the Senate substitute (S-8) to the House substitute (H-2) and agreed to the title.

Senator Emmons moved that the bill be given immediate effect.

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

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 1396

Senate Bill No. 1397

Senate Bill No. 1390

Senate Bill No. 1391

Senate Bill No. 1393

The motion prevailed.

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1396, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by adding section 7b.

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. 867

Yeas—33

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

Nays—0

Excused—4

Cherry	Hoffman	Stille	Vaughn
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Not Voting—1

Hart

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Emerson moved that Senator Hart be excused from the balance of today’s session.
The motion prevailed.

Senator Cherry entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1397, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19503 (MCL 324.19503), as amended by 1995 PA 73.

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. 868

Yeas—33

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

Nays—0

Excused—4

Hart	Hoffman	Stille	Vaughn
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Not Voting—1

Emerson

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1390, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending section 53 (MCL 257.1853).

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. 869

Yeas—34

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

Nays—0

Excused—4

Hart	Hoffman	Stille	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1391, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 19a and 675 (MCL 257.19a and 257.675), section 19a as amended by 1998 PA 68 and section 675 as amended by 2001 PA 18.

The question being on the passage of the bill,

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

Roll Call No. 870

Yeas—34

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

Nays—0

Excused—4

Hart Hoffman Stille Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1393, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending sections 83 and 83b (MCL 259.83 and 259.83b), section 83 as amended and section 83b as added by 2002 PA 35.

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. 871

Yeas—34

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

Nays—0

Excused—4

Hart Hoffman Stille Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
General Orders

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Steil as Chairperson.

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

Senate Bill No. 1417, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 12 (MCL 125.2692).

House Bill No. 6073, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39f. The bills were 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. 273

The resolution consent calendar was adopted.

Senators Sikkema, Koivisto, North, McManus, Hammerstrom, McCotter, Steil, Gast, Johnson, Sanborn, Garcia and Dunaskiss offered the following resolution:

Senate Resolution No. 273.

A resolution to express support for the proposed plan to continue public access, reasonable development, and conservation of 390,000 acres of Upper Peninsula land.

Whereas, The Governor and several of the most prominent groups advocating outdoors recreation and conservation in Michigan recently announced a proposal to purchase nearly 390,000 acres of prime wilderness land in the Upper Peninsula. The proposal to buy this acreage from the Kamehameha School Trust in Hawaii centers on the creation of a unique partnership among the timber industry, the state and federal government, and philanthropic and conservation organizations; and

Whereas, As outlined, the public-private partnership would create an arrangement for the management and use of the land, with the purchase of the vast majority of the land through a timber company. Public access would be maintained for tourism and recreation through easement arrangements. The land would remain on the tax rolls and jobs would be created by the harvest of timber. The plan mirrors similar efforts to preserve land in New York and New Hampshire, although the Michigan arrangement would be far larger; and

Whereas, The land involved in the transaction is some of the most coveted recreational property in this region of the country. The parcels include major acreage near Tahquamenon Falls, the watersheds of the Two Hearted and Presque Isle Rivers, the Porcupine Mountains, and the Pictured Rocks. This is a remarkable opportunity to enhance Michigan's recreation, conservation, and economic interests. It is imperative that the state work effectively to bring all the necessary components together to win the bid and finalize the transaction; now, therefore, be it

Resolved by the Senate, That we express support for the proposed plan to continue public access, reasonable development, and conservation of 390,000 acres of Upper Peninsula land; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and officials of the organizations involved in the proposal.

Senator Johnson offered the following resolution:

Senate Resolution No. 272.

A resolution to extend the time for the task force created by Senate Resolution No. 159 to complete its work.

Whereas, Senate Resolution No. 159 created a task force to study the costs and benefits of a Medicaid buy-in program for working people with disabilities. Under the provisions of the resolution, the task force was to have completed its work and reported its findings and recommendations by September 3, 2002. The group has made significant progress in meeting its goals, but it will need more time to address the matter thoroughly; now, therefore, be it

Resolved by the Senate, That the task force created by Senate Resolution No. 159 to study the costs and benefits of a Medicaid buy-in program for working people with disabilities, which was to have completed its work by September 3, 2002, is extended until December 31, 2002, when it shall report its findings and recommendations.

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 resolution was adopted.

House Concurrent Resolution No. 70.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Tuesday, September 24, 2002, it stand adjourned until Thursday, November 7, 2002 at 12:00 Noon; and be it further

Resolved, That when the Senate adjourns on Thursday, September 26, 2002, it stand adjourned until Tuesday, November 12, 2002, at 10:00 a.m.

The House of Representatives has adopted the concurrent resolution.

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

Senator Emmons moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senate Concurrent Resolution No. 68.

A concurrent resolution approving an amendment to the conveyance of property to the State Building Authority and the lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Secondary Complex Warehouse.

(For text of resolution, see Senate Journal No. 62, p. 2040.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 69.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Roosevelt Parking Facility.

(For text of resolution, see Senate Journal No. 62, p. 2041.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 70.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Northwestern Michigan College relative to the Northwestern Michigan College Integrated Science and Technology Learning Center.

(For text of resolution, see Senate Journal No. 62, p. 2043.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 71.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University Engineering and Technical Center Project.

(For text of resolution, see Senate Journal No. 62, p. 2044.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 72.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn General Campus Classroom Renovations (Phase III) University Mall.

(For text of resolution, see Senate Journal No. 62, p. 2046.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Statements

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

The motion prevailed.

Senator Shugars' statement is as follows:

In the north balcony, we have a professor from Western Michigan University, Tim McGrew, and his daughter Bethel. The first time I met his daughter—she is 9 years old—I asked her where she went to school. She said she is home-schooled. I said, “What are you studying?” She said, “I am studying biology and chemistry.” I said, “We don't have much in common to talk about.” So I would like to ask my colleagues to welcome Professor Tim McGrew from Western and his daughter Bethel to the State Capitol.

Senator Miller's statement is as follows:

In all my years here in Lansing, the Hispanic community of Michigan has been a very, very productive group. There has never been a representative better and louder for the Hispanic community than Senator Garcia. I just want to say thank you to him. I think the Hispanic population of Michigan really is fortunate to have him representing and speaking on behalf of their great, great accomplishments in Michigan.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the following bills, now on the order of General Orders, be referred to the Committee on Economic Development, International Trade and Regulatory Affairs:

House Bill No. 6137, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2 and 13 (MCL 125.2652 and 125.2663), section 2 as amended by 2002 PA 254 and section 13 as amended by 2000 PA 145.

House Bill No. 4851, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg.

House Bill No. 4852, entitled

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

House Bill No. 4853, entitled

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

House Bill No. 5450, entitled

A bill to provide for the creation of local land banks to assist governmental entities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain property; to promote economic growth; to prescribe the powers and duties of certain land banks; to provide for the creation and appointment of boards to govern land banks and to prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the conveyance of certain properties to a land bank; to authorize the enforcement of tax liens and the clearing or quieting of title by a land bank; to provide for the distribution and use of revenues collected or received by a land bank; to prescribe powers and duties of certain public entities and state and local officers and agencies; to authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens; to exempt property, income, and operations of a land bank from tax; and to extend protections against certain liabilities to a land bank.

House Bill No. 5451, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78i (MCL 211.78i), as amended by 2001 PA 101.

The motion prevailed.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1250, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 36 of chapter IX and section 14m of chapter XVII (MCL 769.36 and 777.14m), section 36 of chapter IX as added by 2001 PA 246 and section 14m of chapter XVII as added by 2002 PA 29.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Dingell and Scott
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1251, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending sections 105, 109, 353, 357, 359, 361, and 365 (MCL 462.105, 462.109, 462.353, 462.357, 462.359, 462.361, and 462.365); and to repeal acts and parts of acts.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Peters, Dingell and Scott
Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1356, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 1998 PA 324.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Peters, Dingell and Scott
Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1447, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17b of chapter XIIA (MCL 712A.17b), as amended by 1998 PA 325.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Schuette, Peters, Dingell and Scott
Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6041, entitled

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

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6042, entitled

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

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 24, 2002, at 2:00 p.m., Elijah Myers Room, 2nd Floor, Capitol Building

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

Excused: Senator McCotter

The Committee on Finance reported

Senate Bill No. 1446, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending the title and sections 1, 3, 4, 12, 19, 21, 24, 25, 26, 27a, 28, 30c, and 31 (MCL 205.1, 205.3, 205.4, 205.12, 205.19, 205.21, 205.24, 205.25, 205.26, 205.27a, 205.28, 205.30c, and 205.31), the title as amended by 1999 PA 182, sections 3, 12, 25, and 26 as amended by 1986 PA 58, section 4 as added and section 27a as amended by 1993 PA 14, section 19 as amended by 1996 PA 479, section 21 as amended by 1993 PA 13, sections 24, 30c, and 31 as amended by 2001 PA 168, and section 28 as amended by 2000 PA 308; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Garcia

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5743, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2000 PA 284, and by adding section 7gg.

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

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Garcia

Nays: None

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

The Committee on Finance reported

House Bill No. 5947, entitled

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

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, September 24, 2002, at 1:02 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Peters

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

Senate Bill No. 1417, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 12 (MCL 125.2692).

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Sanborn and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, September 24, 2002, at 1:09 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), Sanborn and Peters

Excused: Senators McCotter and Leland

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 11:17 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, September 26, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.