

No. 82
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2006

Senate Chamber, Lansing, Wednesday, September 13, 2006.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

Allen—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present
Emerson—present

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present
Olshove—present

Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—excused
Toy—present
Van Woerkom—present
Whitmer—present

Minister Terrance McClain of Annapolis Park Church of Christ of Westland offered the following invocation:

Almighty, Eternal, and Sovereign God, as stated in the Preamble to our Constitution, we, the people of the state of Michigan, are grateful to You for the blessings of freedom. Our continuing hope is the securing of the blessings of liberty to our posterity and us.

Recent reflections on the fifth-year anniversary of the 9/11 terrorist attacks demonstrate that our hearts may have been broken, but I stand here today declaring that our faith has been fortified and our spirits more united. In addition, I ask that You would bless the brave military men and women who not only protect our freedoms, but also advance the cause of freedom throughout the world in the present war on terrorism.

This morning, I humbly acknowledge that You have ordained human government as Your minister to us for good. Our state faces challenging times and I ask, O God, that You would bless these men and women with the necessary courage, wisdom, and compassion to effectively lead us in meeting those challenges. So, gracious Father, I lift all who compose this Senate body today and their staffs into Your divine presence. May they deliberate with integrity, honesty, and vision, for "where there is no vision, the people perish."

My prayer, O God, is that every man and woman, regardless of their party affiliation, will reflect on the greatest of servants, Your Son Jesus Christ. May they grab the towel and metaphorically wash one another's feet for the greatest good for the greatest number of citizens in our great state. Empower them that they might negotiate agreements, collect and clarify information, analyze and evaluate findings.

In obedience to Your Word, I'm lifting in prayer these men and women who are in authority, that we may lead a quiet and peaceable life in all godliness and honesty.

In the name of Your Son and our Savior Jesus Christ, I pray and ask it all. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Hammerstrom moved that Senators Bishop and Garcia be temporarily excused from today's session. The motion prevailed.

Senators Leland and Garcia entered the Senate Chamber.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:06 a.m.

10:29 a.m.

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

Senator Hammerstrom moved that the Committee on Education be discharged from further consideration of the following bill:

Senate Bill No. 1376, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as amended by 2005 PA 28.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the bill be referred to the Committee on Appropriations.

The motion prevailed.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointments:

Commission of Agriculture

Mr. James E. Byrum, a Democrat, of 4933 Bellevue Road, Onondaga, Michigan 49264, county of Ingham, reappointed for a term commencing January 1, 2007 and expiring December 31, 2010

Commission of Natural Resources

Rev. Hurley J. Coleman, Jr., a Democrat, of 11 Cobblestone Place, Saginaw, Michigan 48603, county of Saginaw, succeeding Robert J. Garner, appointed for a term commencing January 1, 2007 and expiring December 31, 2010.

Mr. John M. Madigan, a Republican, of 831 West Munising Avenue, Munising, Michigan 49862, county of Alger, reappointed for a term commencing January 1, 2007 and expiring December 31, 2010.

State Transportation Commission

Ms. Linda M. Atkinson, a Democrat, of N13927 Newberg Road, Channing, Michigan 49815, county of Dickinson, reappointed for a term commencing December 22, 2006 and expiring December 21, 2009.

Mr. Vincent J. Brennan, an Independent, of 1038 Bishop, Grosse Pointe Park, Michigan 48230, county of Wayne, reappointed for a term commencing December 22, 2006 and expiring December 21, 2009.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, September 12:

House Bill No. 6238

By unanimous consent the Senate proceeded to the order of
Messages from the Governor

Senator Bishop entered the Senate Chamber.

Senator Hammerstrom moved that the following appointments be placed at the head of the Messages from the Governor calendar:

Commission of Agriculture

Mr. James E. Byrum, a Democrat, of 4933 Bellevue Road, Onondaga, Michigan 49264, county of Ingham, reappointed for a term commencing January 1, 2007 and expiring December 31, 2010

Commission of Natural Resources

Rev. Hurley J. Coleman, Jr., a Democrat, of 11 Cobblestone Place, Saginaw, Michigan 48603, county of Saginaw, succeeding Robert J. Garner, appointed for a term commencing January 1, 2007 and expiring December 31, 2010.

Mr. John M. Madigan, a Republican, of 831 West Munising Avenue, Munising, Michigan 49862, county of Alger, reappointed for a term commencing January 1, 2007 and expiring December 31, 2010.

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Mr. Vincent J. Brennan, an Independent, of 1038 Bishop, Grosse Pointe Park, Michigan 48230, county of Wayne, reappointed for a term commencing December 22, 2006 and expiring December 21, 2009.

The motion prevailed.

Senator Hammerstrom moved that the appointments be considered en bloc.

The motion prevailed.

Senator Hammerstrom moved that the Senate disapprove the appointments,

The question being on the disapproval of the said appointments to office,

Senator Kuipers moved that Senators Barcia and Emerson be temporarily excused from today's session.

The motion prevailed.

Senator Kuipers moved that Senator Thomas be excused from today's session.

The motion prevailed.

Senator Kuipers moved that the previous question be ordered.
 On which motion Senator Schauer 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. 649**Yeas—22**

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Nays—13

Basham	Clarke	Olshove	Scott
Brater	Jacobs	Prusi	Switalski
Cherry	Leland	Schauer	Whitmer
Clark-Coleman			

Excused—3

Barcia	Emerson	Thomas
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Not Voting—0

In The Chair: President

The question being on the disapproval of the said appointments to office,
 The Senate disapproved of the appointments to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 650**Yeas—22**

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Nays—13

Basham	Clarke	Olshove	Scott
Brater	Jacobs	Prusi	Switalski
Cherry	Leland	Schauer	Whitmer
Clark-Coleman			

Excused—3

Barcia

Emerson

Thomas

Not Voting—0

In The Chair: President

Protests

Senators Schauer, Prusi, Basham, Cherry, Leland, Scott, Clark-Coleman and Jacobs, under their constitutional right of protest (Art. 4, Sec. 18), protested against the disapproval of the gubernatorial appointments.

Senator Schauer's statement, in which Senator Scott concurred, is as follows:

While the majority caucus is attempting to deny our members a right to speak to what just happened, that obviously will not occur. What has just occurred is very saddening to this body, this institution that has a rich history. It is also saddening for our constituents. I think the public needs to know what just happened.

You know, I joke with my constituents that, you know, consistency is not often our strong suit up here, but what I just heard from the Senator Majority Leader is bizarre, to say the least. To say that this body previously had never the real power of advice and consent and to cop out and to say that during the eleventh hour of the Engler administration when a number of appointments were made and procedurally rushed through this very body, is ludicrous. This chamber does constitutionally have that authority to consent to appointments.

What is really—I think the best way I can sum it up is the emperor has no clothes here. You know, I have this January 9th press release. One of my colleagues talked about it, and, you know, I do consider the Majority Leader a very principled individual, but unfortunately today, his principles were derailed by principles of partisan politics. Those principles were, I believe, articulated in this January 9th press release. The Senate advice and consent process will serve the public. We have done a disservice to the public today.

What the Senate Majority Leader said is, "Through advice and consent, Michigan citizens will be well-served by having competent people in key government positions. I see the Senate's advice and consent role as constructive and positive." Well, what has happened here is a complete abdication of that statement. The Senate Majority Leader said, "It is my hope and expectation that the Governor will appoint only people with the utmost experience and of unquestionable personal integrity."

Well, you know, what is interesting here is not only the fact that no hearings were held as a part of this so-called advice and consent process, and I am not sure why that is. We certainly have time. Hearings were scheduled for four more session days. I am sure committee members could have met to hear about these questionable qualifications of these appointments. I want to go back to that issue about having competent people in key government positions.

Now my records show that four of the five people, who were just rejected on a party-line basis, were previously confirmed by this body—four of the five. One of them, John Madigan, was appointed by Governor Engler. I guess Governor Engler thought he was pretty good. He was consented to by the prior Senate. The Senate Majority Leader and some of you were a part of that Senate. So I guess he was qualified then, but apparently, he is not qualified now.

Now what about Jim Byrum? It seems like I remember consenting to Jim Byrum here in this chamber. He runs the Michigan Agri-Business Association. We have said he was qualified before. Apparently, he is not qualified now, or Linda Atkinson and Vincent Brennan of the Transportation Commission. I have their bios here. What I failed to hear, other than some discussion that the Governor shouldn't be able to do this, I didn't hear anything about their qualifications. That's because they are qualified. Hurley Coleman, my good colleague—Senator Clark-Coleman talked very articulately about Reverend Coleman and his qualifications for the Natural Resources Commission. So what's wrong with these appointments?

I voted "no" because this vote to reject these five people was a disservice. It was a disservice to this body. It was a disservice to the people of our state. These are people of integrity, very competent, capable people, and unfortunately, the majority party has again demonstrated itself as being an obstructionist body standing in the way of good, public policy in our state, standing in the way of good public servants who have a record of doing good public work.

You know, as final evidence it is truly the emperor has no clothes, you know, it is this Governor's—any Governor's—constitutional authority to make appointments during their term of office. What we have done has flown in the face of our Constitution. You know, the Senate Majority Leader talked about—his statement made it sound like Governor Granholm's term expires on November 7. She is Governor until December 31. This is her prerogative. These are, in the case of four of the five reappointments, exceptional public servants. The public should be offended by what happened. They should be disgusted by what happened.

I am very saddened by what happened, and that is why I voted “no.” We have lost an opportunity to allow these exceptional public servants to continue to serve due to the majority party seeking the path of partisanship, obstructionism, and partisan politics.

Senators Prusi, Scott, Clark-Coleman and Jacobs moved that the statements they made during the discussion of the appointments be printed as their reasons for voting “no.”

The motion prevailed.

Senator Prusi’s statement is as follows:

I rise for a couple of reasons. One is with a deep sense of disappointment that we are moving in this direction, that we are turning good, qualified appointments, four of which were previously approved by this body, into partisan hostages here prior to an election. If you think back to four years ago when the previous Governor was on his way out the door, we all knew at that point we were going to have a new chief executive in this state, yet dozens of appointments were made and rammed through this body without any rejection whatsoever.

The second reason is two of these appointments are constituents of mine and both of them—one a Democrat and one a Republican—have served with distinction on the commissions that they were appointed to. I have worked closely with these individuals, and if you would have examined the work that they have done, they have worked for the people of the state of Michigan. They have not worked for their respective political parties.

I think to turn this appointment process into a partisan dispute here just prior to an election where the next chief executive of this state is still up, I think it does disservice to this body and disservice to the appointment process that the Majority Leader had indicated four years ago that he would not turn into a partisan political fight. Yet here we are less than 60 days out from the election and it is becoming a partisan, political fight intended only to embarrass our Governor and to basically tell these folks who have served with distinction, who have accepted their appointment, have done the work that the people of the state of Michigan have asked of them—we are basically telling them that they no longer qualify simply because we have an election pending and that there is a potential for change in leadership in this state.

I would ask my colleagues to think deeply about what road we are about to embark on here and remove this issue from our discussion today and give the committee process an opportunity to work. They have not gone before the committee. We are summarily rejecting them solely on a partisan, political agenda. I think that is a real shame and a real disservice to the people of the state of Michigan and for the dignity of this chamber.

Senator Basham’s statement is as follows:

I would like to point out that even under term limits there is some inconsistency with what we’re doing today and what we’ve done in the past. For example, on the Commission of Ag almost to the date, the appointment was made by Governor Engler on September 18, 2002, for a term beginning on January 1, 2003. It was confirmed by the Senate. I remember on the way out the door former Governor Engler made sure that he got his appointments in for the airport authority, which is in my district, and there was huge debate over that contentious issue.

I would point out that the Majority Leader of this body tried to strip the former Attorney General—she’s currently our Governor Granholm; she was the Attorney General—so that she would not have the ability to have a formal Attorney General’s opinion representing the state of Michigan. That happened just a couple of years ago.

So the inconsistencies, I’ve got volumes of information here on how this body has been inconsistent, and yet, the leader of this body in numerous cases is quoted as saying that he wouldn’t be partisan about this issue, make sure the candidates had the utmost integrity, and so on and so forth.

There is, again, four of these nominees who have already been appointed and should be reappointed. My former colleagues have pointed out that the Governor’s term lasts for the full year, and she does not have to not make appointments after September. She can actually make an appointment in December. It might surprise some folks. If they are good appointments, if they rise to the caliber of individuals who will serve this state well, then we have an obligation to accept those appointments. We have to find a reason not to accept them.

I think we’re in the silly season here, Mr. President, and I think this is just another example of us being in the silly season. There is another 58 days of havoc. The people of Michigan do not benefit from legislators in this body engaging in the silly season.

Senator Cherry’s statement is as follows:

Mr. President, I voted “no” on the disapproval of the appointments that Governor Granholm made because I do believe that the action that was taken today was very partisan. If you look again at the appointments, you will see that there are people of both parties. They are people who have with one exception served with distinction, and they have been appointed by this body on a bipartisan basis.

Secondly, I voted “no” because the leader of the Senate made a mistake in his discussion about the appointment process. He said that there was no prior appointment and approval process by the Senate, and there was one December 30, 2002, when the Senate, afraid that some of Governor Engler’s appointments would be rescinded, approved some 30 appointees that Governor Engler made in the final days. That process, again, was a partisan process. It was something that the leader then supported.

So I think the argument about not being partisan by the Majority Leader is one that is not accurate, and it also is one which we can see is used only when it benefits what the action by the Senate Republican leadership has taken.

So I voted "no" because I do believe the appointment process should be a nonpartisan process that recognizes the constitutional right of our Governor and is one that recognizes this Senate has approved these folks in the past on a bipartisan basis.

Senator Leland's statement is as follows:

I was here on December 30, 2002, sine die and about 10 or 15 minutes before the clock expired, this body did, in fact, confirm several gubernatorial appointments that Governor John Engler had made. So to say that it is wrong for this body at this time to approve these appointments is rather disingenuous when the previous Governor did the same thing and this body did, in fact, approve those appointments.

Also I just came across an item here that says we had actually appointed one of Governor Engler's Natural Resources appointees almost four years ago to the day for a term that was to begin on January 1, 2003. That person was, indeed, confirmed by the Senate.

So I just wanted to point out there were inconsistencies and let you know how disingenuous I think this body has acted today.

Senator Scott's statement is as follows:

I rise to speak on this issue, and I certainly do affirm everything that one of the other Senators said regarding Reverend Coleman, who is a fine individual and has done a fantastic job.

I also rise, as one of my constituents, Commissioner Vincent Jay Brennan, who is an attorney based in Warren, Michigan, is a member of the State Bar of Michigan. He received his bachelor's from John Carroll University and his JD from the Detroit College of Law. His current term expires on December 21. Has done a fantastic job as the transportation commissioner and he is highly qualified.

I would hope that we would not use partisan politics today in regards to these appointments.

Senator Clark-Coleman's first statement is as follows:

I really hate that we are starting so early in this process of partisan politics. I think we need to be real careful of how we sound and what signal we send to the community. We are bickering about and using people, distinguished people in our community, in this whole political battle and that is all that it can be perceived as by persons who are watching us from the outside.

Now, I stand to speak on behalf of the appointment of the Reverend Hurley Coleman, Jr. Reverend Coleman is not related to this Coleman at all, but I know Hurley Coleman. He is a former director of the Parks Department in Saginaw. He also was appointed by Wayne County Executive Ed McNamara to head up the Parks Division for Wayne County parks. He was the first and only African American to ever head up the Wayne County parks system. When he came to Wayne County, the parks—Hinds Parks—had a horrible reputation. All kinds of crime was going on in that park and in that park system. It was a mess. My colleagues from the other side of the aisle who live in Wayne County could attest to that. He really turned that park system into a family park system that we can all be proud of, and it remains that way until this day.

The Reverend Hurley Coleman took over for his father, Bishop Hurley Coleman of the Church of God in Christ, and we need to be really mindful that when we are attacking our religious leaders or using them in a political battle, we are walking on some real weak ground because there is no other church delegation that is as large as the Church of God in Christ. Now, Hurley Coleman is one of the most respected members of the Church of God in Christ. He is the pastor of a large church in Saginaw. Now, do we really want to send a message to all the members of the Church of God in Christ that we are holding hostage one of their respected religious leaders? I don't think so. I don't think that this is a message that anyone wants to send. So we just need to be real careful when we walk and talk that battle because voters will have the last word. Therefore, we should keep our respected citizens out of this political battle and just do the right thing.

Now, we have a person who has demonstrated his qualification to be in this position. There is none other I can think of who is more qualified. He is also a respected religious leader and is a member of one of the largest groups of churches in this whole state of Michigan. This is one battle that we should not take on. The people in Saginaw will frown on it. The people in all of the Church of God in Christ will frown on it, and this will come back to haunt people who are running in those areas.

Senator Clark-Coleman's second statement is as follows:

I just want to say that when qualified individuals are brought before this body, and we turn a deaf ear to those in lieu of political concerns, we confirm the fact that politicians can't be trusted. Certainly, speaking again on behalf of the Reverend Hurley Coleman, Jr., who has a reputation that is impeccable, he has been appointed to serve on the Natural Resources Commission. He was president of the Michigan Recreation and Parks Association. I mean, his bio reads like Who's Who of DNR.

So why we would be using this form to disparage persons of this sort sends the wrong signal to the people in Saginaw, as well as all the folks who he is well-respected for in the Coleman Temple Church of God in Christ in Saginaw.

Now, in addition to that, it sends the wrong signal to the national adjunct for the Church of God in Christ worldwide. This is a person who serves as an executive for this worldwide faith-based group. Do we really want to insult these people because, let me tell you, they will certainly not take kindly to one of their own being disrespected.

So I call on you to reconsider what you are doing. There are consequences.

Senator Jacobs' first statement is as follows:

I am so baffled and concerned about what is going on today. I have in my hand a press release from Thursday, January 9, 2003, and it says the Senate advice and consent process will serve the public. On the second page, the Majority Leader is quoted as saying, "We are going to fulfill our proper role that the constitutional framers envisioned and not engage in partisan obstructionism. It is my hope and expectation that the Governor will appoint only people with the utmost experience and of unquestionable personal integrity."

I think the Governor has fulfilled that. For us to, what I see now, engage in partisan obstructionism is something that I don't believe the people of this state deserve. Four out of the five appointments are people who have gone through the advice and consent process. This entire body okayed their appointment. They have served with integrity, and they have served because they had leadership and experience. For us to deny the Governor the ability to do this right now just smacks, to me, of partisan politics right before the election.

I am certain that some of my colleagues will talk about the history of other appointments made by previous Governors, so I will let them do that. As a member of Government Operations, I am very, very troubled by the manner in which this is being handled today.

I would urge my colleagues not to disapprove of these appointments.

Senator Jacobs' second statement is as follows:

I think today's proceedings show why people think we need term limits in the state of Michigan.

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

The motion prevailed.

Senator Sikkema's statement, in which Senator Garcia concurred, is as follows:

I appreciate the opportunity to give a reason why I hope the members will reject these appointments today, and then everybody can decide who is playing partisan politics with this issue and who is not. I am asking that we reject these appointments for one simple reason. There are over 500 vacancies in state boards and commissions that the Governor has not filled. None of these appointments fill any vacancies. In fact, these appointments are made for terms that take effect, two of them on December 22 and three of them on January 1 of next year. It is my position that it is the Governor who gets elected on November 7 who is entitled to these appointments. If that Governor happens to be the current Governor Jennifer Granholm, she is totally entitled to make these appointments and all other appointments, and I have said that to her. I have urged her to withdraw these appointments at this time. Should she be successful, on November 8 she can resubmit all these appointments. As has been already pointed out, three of them have already gone through the advice and consent process and I suspect would get very little scrutiny. Three of them are new appointments.

This is simply an attempt by this Governor to try to ensure that her policies carry forward into the next term, regardless of whether she is Governor or not. That's not appropriate, and I gave her a way to accomplish these appointments if she is re-elected to preserve these individuals' ability to serve in these positions and she has rejected that.

As I mentioned, there are over 500 vacancies in state boards and commissions that this Governor has not filled and none of these appointments fill that. It is one of the worse records of any chief executive in modern history. I don't believe that a Governor who is facing re-election should have the right to basically usurp public policy in the next term for the next Governor, unless that Governor is successfully re-elected. This is a very, very simple issue. This Governor was given a decent way to avoid the confrontation this morning. I don't seek any partisan advantage—never have in the advice and consent process. Hundreds and hundreds of her appointments have been confirmed by this body. I think there has only been one rejection that I am aware of. I am not disparaging any of these individuals' qualifications for office. As I have mentioned, three of them are basically reappointments, but they are appointments for next year. Some of these appointments last for six years, and they are not minor commissions. They are the Transportation Commission, Natural Resources Commission, and the Agriculture Commission—commissions that determine important public policy. Isn't it the prerogative of the Governor who gets elected on November 7 to decide what our agriculture policy is, our natural resources policy, and our transportation policy is through the appointment process for the next six years?

People want to throw back the example of Governor John Engler and what was done under advice and consent when he was Governor. We didn't have advice and consent when John Engler was Governor. We didn't have it when Jim Blanchard was Governor. We didn't have it when Milliken was Governor, and we didn't have it when Romney was Governor. We never had a rigorous, systematic, fair, nonpartisan advice and consent process until this Senate took their oath of office, and you ought to be proud of that whether you are Republican or Democrat. But you shouldn't be proud of your Governor in terms of what she did today. She doesn't need to make these appointments. She can wait until she is successfully re-elected—if she is successfully re-elected—and make these appointments on November 8 and they be given fair consideration.

So I reject everything that has been said from the other side of the aisle about partisan politics, and if anybody is disserving these five individuals this morning, it is Governor Jennifer Granholm.

By unanimous consent the Senate proceeded to the order of
Messages from the House

Senator Barcia entered the Senate Chamber.

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

Senate Bill No. 435

Senate Bill No. 640

The motion prevailed.

Senate Bill No. 875, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 1997 PA 196.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1) and ordered that the bill be given immediate effect.

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

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

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

Jackie Vaughn represented the district that I serve in right now. He was one of the longest-serving members. I believe he was the dean of the Senate. He was one of the longest-serving members of the Senate.

He has been incapacitated for some time, and we have lost a great leader in that of the senior Senator Jackie Vaughn. I've known him for many years, respect him, and consider him as a mentor. I'm honored—deeply honored—to serve in the seat that he represented. We both represent the same district. It is a sad state of affairs and we will all miss Senator Jackie Vaughn.

Senate Bill No. 880, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 41A.

Substitute (H-3).

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

Senator Leland offered the following amendment to the substitute:

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

"SEC. 4159. IN ADDITION TO THE PENALTIES PROVIDED IN SECTION 150, THE COMMISSIONER MAY DO ANY OF THE FOLLOWING:

(A) ORDER AN INSURER TO TAKE REASONABLY APPROPRIATE CORRECTIVE ACTION FOR ANY CONSUMER HARMED BY THE INSURER'S, OR BY ITS INSURANCE PRODUCER'S, VIOLATION OF THIS CHAPTER.

(B) ORDER AN INSURANCE PRODUCER TO TAKE REASONABLY APPROPRIATE CORRECTIVE ACTION FOR ANY CONSUMER HARMED BY THE INSURANCE PRODUCER'S VIOLATION OF THIS CHAPTER.

(C) ORDER AN INSURANCE PRODUCER THAT EMPLOYS OR CONTRACTS WITH ANOTHER INSURANCE PRODUCER TO SELL OR SOLICIT THE SALE OF ANNUITIES TO CONSUMERS TO TAKE REASONABLY APPROPRIATE CORRECTIVE ACTION FOR ANY CONSUMER HARMED BY THE INSURANCE PRODUCER'S VIOLATION OF THIS CHAPTER.

SEC. 4161. THE COMMISSIONER MAY REDUCE A PENALTY FOR A VIOLATION OF SECTION 4155(1), (2), OR (4) IF CORRECTIVE ACTION FOR THE CONSUMER WAS TAKEN PROMPTLY AFTER A VIOLATION WAS DISCOVERED."

The amendment to the substitute was not adopted.

Senator Schauer requested the yeas and nays.

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

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

Roll Call No. 651

Yeas—14

Barcia	Clark-Coleman	Olshove	Scott
Basham	Clarke	Prusi	Switalski
Brater	Jacobs	Schauer	Whitmer
Cherry	Leland		

Nays—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Excused—2

Emerson	Thomas
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Not Voting—0

In The Chair: President

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

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

Roll Call No. 652

Yeas—36

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer

Nays—0

Excused—2

Emerson

Thomas

Not Voting—0

In The Chair: President

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

Third Reading of Bills

The following bill was announced:

House Bill No. 4431, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 2004 PA 58.

(This bill was read a third time on September 12, amendment offered and consideration postponed. See Senate Journal No. 81, p. 2053.)

The question being on the adoption of the amendment offered by Senator Schauer,
Senator Schauer withdrew the amendment.

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. 653

Yeas—36

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer

Nays—0

Excused—2

Emerson

Thomas

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; 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.”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Schauer’s statement is as follows:

This amendment is something of a proposal or a concept that I worked out with the bill sponsor, Representative Wenke from my area. This bill was specifically introduced as a result of a very violent, domestic violence murder which was graphically described by our prosecuting attorney during the Judiciary Committee. We worked with the Legislative Service Bureau to come up with an enacting section only for that part of the law. My understanding is that the chairman is not supportive. I wish we could work this out. We were merely attempting to name this enacting section after Deborah Moore-Foster. So what I’ll do is I will withdraw the amendment, but I’ll use this moment to tell you about the situation, and maybe in some small way, it will make a difference to you and impact you.

Deborah Moore-Foster was a constituent in my district in Battle Creek. She was a woman who was married and in the process of ending her marriage against a very violent and abusive individual. According to our prosecutor, she did everything right. She had a personal protection order against her estranged husband. Unfortunately, he went into her home and violently murdered her—stabbed her to death. In fact, my whole community knows about this situation. Ironically, she was murdered and she resided at the time right next door to our domestic violence shelter. She literally died attempting to crawl to the shelter.

I think it would be fitting to remember her and to name this enacting section, which importantly adds aggravated stalking as justification for felony murder. Unfortunately, we were unable to work this out, but that was my effort, and I at least wanted to share that story and what precipitated this legislation.

I will withdraw the amendment, and I do ask for your “yes” vote on Representative Wenke’s bill.

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

Senate Bill No. 1357

House Bill No. 5672

House Bill No. 6062

House Bill No. 6063

House Bill No. 6064

House Bill No. 6086

House Bill No. 6138

House Bill No. 6139

House Bill No. 6140

House Bill No. 6141

House Bill No. 6142

House Bill No. 6143

House Bill No. 6145

House Bill No. 6146

House Bill No. 6147

House Bill No. 6148

House Bill No. 6149

House Bill No. 6150

House Bill No. 6205

House Bill No. 6206

House Bill No. 6207

House Bill No. 6208

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1357, entitled

A bill to amend 1945 PA 47, entitled “An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies,” by amending section 1 (MCL 331.1).

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. 654

Yeas—36

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer

Nays—0

Excused—2

Emerson	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5672, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17766 (MCL 333.17766), as amended by 2004 PA 329, and by adding section 17780.

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. 655**Yeas—36**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer

Nays—0**Excused—2**

Emerson Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 6062, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16511 and 16521 (MCL 333.16511 and 333.16521), as added by 2006 PA 30.

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. 656**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6063, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18811 and 18821 (MCL 333.18811 and 333.18821), section 18811 as amended by 1982 PA 353 and section 18821 as amended by 1993 PA 79.

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. 657**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6064, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 18705 (MCL 333.18705), as added by 2004 PA 3.

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. 658**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6086, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 18411 (MCL 333.18411).

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. 659**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6138, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17211 and 17221 (MCL 333.17211 and 333.17221), section 17221 as amended by 1993 PA 79.

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. 660**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6139, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17411 and 17421 (MCL 333.17411 and 333.17421), section 17421 as amended by 1993 PA 79.

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. 661**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6140, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16803 and 16805 (MCL 333.16803 and 333.16805), as added by 2004 PA 97.

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. 662**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6141, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17011 (MCL 333.17011), as amended by 1993 PA 79, and by adding section 17026.

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. 663**Yeas—36**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Birkholz	Emerson	Kuipers	Sikkema
Bishop	Garcia	Leland	Stamas
Brater	George	McManus	Switalski
Brown	Gilbert	Olshove	Toy
Cassis	Goschka	Patterson	Van Woerkom
Cherry	Hammerstrom	Prusi	Whitmer

Nays—0**Excused—1**

Thomas

Not Voting—1

Johnson

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6142, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16411 and 16421 (MCL 333.16411 and 333.16421), section 16411 as amended by 2002 PA 734 and section 16421 as amended by 1993 PA 79.

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. 664**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6143, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18211 and 18221 (MCL 333.18211 and 333.18221), section 18221 as amended by 1993 PA 79.

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. 665**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6145, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 18305 (MCL 333.18305), as amended by 1993 PA 79.

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. 666**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6146, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 18505 (MCL 333.18505), as amended by 2004 PA 61.

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. 667**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassia	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6147, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7301a, 16111, 16122, 16139, and 16264 (MCL 333.7301a, 333.16111, 333.16122, 333.16139, and 333.16264), section 7301a as added and section 16111 as amended by 1988 PA 462 and sections 16122 and 16139 as amended by 1993 PA 80; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 668**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6148, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17511 (MCL 333.17511) and by adding section 17526.

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. 669**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6149, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18011 and 18021 (MCL 333.18011 and 333.18021), as amended by 2006 PA 161.

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. 670**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassia	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6150, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18103, 18105, and 18115 (MCL 333.18103, 333.18105, and 333.18115), section 18103 as amended by 1993 PA 79, section 18105 as amended by 1989 PA 262, and section 18115 as added by 1988 PA 421.

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. 671**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6205, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17711 and 17721 (MCL 333.17711 and 333.17721), section 17721 as amended by 1993 PA 79.

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. 672**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6206, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17305 (MCL 333.17305), as added by 2001 PA 139.

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. 673**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6207, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16903, 16905, and 16907 (MCL 333.16903, 333.16905, and 333.16907), as added by 1995 PA 126.

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. 674**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassia	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6208, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17820, 17821, and 17903 (MCL 333.17820, 333.17821, and 333.17903), section 17820 as amended by 2005 PA 281, section 17821 as amended by 1993 PA 79, and section 17903 as added by 2006 PA 54.

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. 675**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services; to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Kuipers as Chairperson.

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

House Bill No. 5348, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3901 (MCL 500.3901), as added by 1992 PA 84, and by adding section 3902; and to repeal acts and parts of acts.

Senate Bill No. 1328, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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

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

House Bill No. 5349, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1204c, 3915, 3927, 3935, and 3942 (MCL 500.1204c, 500.3915, 500.3927, 500.3935, and 500.3942), section 1204c as amended by 2006 PA 109 and sections 3915, 3927, 3935, and 3942 as added by 1992 PA 84, and by adding sections 1204f, 3906, 3910, 3910a, 3910b, 3925, 3926, 3926a, and 3941a.

Substitute (S-1).

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

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 1204a. (1) To qualify as a registered insurance agent program of study, the program of study shall meet all of the following criteria:

(a) Be conducted through an educational institution offering home study courses that has been in existence for not less than 5 years, by an insurance trade association, by an authorized insurer as provided in subsection (2), or by an educational institution listed in the state board of education directory of institutions of higher learning.

(b) Except as provided in subsection (2), provide for a minimum number of hours of classroom instruction or its equivalent in home study **OR ONLINE** courses as follows:

(i) In the case of a program of study for health insurance agents, 14 hours of instruction on the principles of health insurance and 6 hours of instruction on the requirements of the insurance laws of this state.

(ii) In the case of a program of study for life insurance agents, 20 hours of instruction on the principles of life insurance and 6 hours of instruction on the requirements of the insurance laws of this state.

(iii) In the case of a combined program of study for life and health insurance agents, 14 hours of instruction on the principles of health insurance, 20 hours of instruction on the principles of life insurance, and 6 hours of instruction on the requirements of the insurance laws of this state.

(iv) In the case of a program of study for property and casualty insurance agents and solicitors, 12 hours of instruction on the principles of property insurance, 6 hours of instruction on the requirements of the insurance laws of this state, and 22 hours of instruction on the principles of liability insurance.

(c) Include instruction in ethical practices in the marketing and selling of insurance.

(d) Instruction shall be given only by individuals who meet the qualifications required by the commissioner. The commissioner, after consulting the insurance agent education advisory council, shall promulgate rules prescribing the criteria which must be met by a person in order to render instruction in a registered insurance agent program of study.

(2) An authorized insurer may conduct that portion of the minimum number of ~~classroom~~ hours of instruction under subsection (1) as the commissioner deems appropriate. **ANY COMBINATION OF CLASSROOM, ONLINE, OR SELF-STUDY HOURS MAY BE USED IN SATISFYING THE MINIMUM NUMBER OF HOURS OF INSTRUCTION UNDER SUBSECTION (1).**

(3) The commissioner shall promulgate rules prescribing the subject matter that a program of study must possess to qualify for registration under this section.

(4) The commissioner may make recommendations for improvements in course materials as deemed necessary by the commissioner. The commissioner may, after notice and opportunity for a hearing, withdraw the registration of a program of study which does not maintain reasonable standards as determined by the commissioner for the protection of the public."

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:

Senate Bill No. 1361, entitled

A bill entering into the interstate insurance product regulation compact; and for related purposes.

Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 1426, entitled

A bill to provide that certain entities contracting with state and local units of government are subject to the patient's right to independent review act.

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

Senator Kuipers introduced

Senate Bill No. 1427, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278b (MCL 380.1278b), as added by 2006 PA 123.

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

Senator Cropsey introduced

Senate Bill No. 1428, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1060 and 1062 (MCL 600.1060 and 600.1062), as added by 2004 PA 224.

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

Senators Schauer, Switalski, Clarke, Brater, Olshove and Barcia introduced

Senate Bill No. 1429, entitled

A bill to prohibit vendors of procurement contracts with local units of government from employing persons not authorized to work in the United States; to require certain affirmations; and to provide for remedies.

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

House Bill No. 6238, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4511 (MCL 500.4511), as added by 1995 PA 276.

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 Banking and Financial Institutions.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I just wanted to bring to my colleagues' attention, as I'm sure some of you probably saw this on the news on, I believe, it was Sunday, Channel 7 news story. The most dangerous intersections are outside of Detroit. As I'm told that Detroit has the most accidents and that's why we have all of these high rates.

Well, Channel 7 says, "Drivers, listen closely. We have the new breakdown of the most dangerous intersections in the,"—well, they have to put Detroit in here—"Detroit area, but it's not Detroit. Topping the list is the Van Dyke and 11 Mile intersection at the Warren center border. It ranks as the region's crash capital with 442 crashes in a five-year period. Coming in at a close second is the Telegraph and 12 Mile intersection, with 363 accidents. And rounding out the list, the Ford and Haggerty intersection, with 302 crashes. And coming up shortly just after the"—well, that doesn't pertain to this, but anyway.

Just want you to know that it is more important now that we have this study group, this task force that I've been asking for so that we can study the insurance rates. It's not just Detroit. It is all around and Detroit is not the No. 1. So I would hope that my colleagues would start doing something about this insurance soon.

Senator Garcia's statement is as follows:

Earlier this morning when we were having the discussion about the Governor's nominees, there were a number of barbs traded back and forth. I'd just like to point out to my good friends on the other side of the aisle that when Governor Engler made his final appointments in the last few months of office, I also raised that question. How could we do this if we allowed the previous Governor to do that as well? I think that's a fair question.

The problem is, as was so ably pointed out earlier, that we did not exercise our right as a Senate body to conduct an advice and consent on those nominees. We didn't do that. And there were only nine of us in this body who were here at that time, and I believe none of us were in leadership.

I just point that out for the record because I'm sure if it had been raised, we would have done our duty and we would have done it properly. But, again, the vast majority of us in this body were not in this body four year ago when those appointments were made, so we could not have done what we needed to do.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1350, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 476 (MCL 168.476), as amended by 2005 PA 71.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn and Patterson

Nays: Senators Schauer, Whitmer and Brater

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1351, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 552 (MCL 168.552), as amended by 2005 PA 71.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn and Patterson

Nays: Senators Schauer, Whitmer and Brater

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1352, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 590f (MCL 168.590f), as amended by 2002 PA 163.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn and Patterson

Nays: Senators Schauer, Whitmer and Brater

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 12, 2006, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Whitmer and Brater

The Committee on Transportation reported

Senate Bill No. 1257, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 716 (MCL 257.716), as amended by 1998 PA 427.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported

Senate Bill No. 1399, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 226a (MCL 257.226a), as amended by 2002 PA 642.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 5820, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 8 (MCL 213.58), as amended by 1996 PA 474.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported

House Bill No. 5821, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 5 (MCL 213.55), as amended by 1996 PA 474.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported

House Bill No. 6031, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 8 (MCL 207.218), as amended by 2004 PA 472.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

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 Transportation submitted the following:

Meeting held on Tuesday, September 12, 2006, at 1:02 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

Scheduled Meetings

21st Century Jobs Funds Joint Select Committee (SCR 38) - Thursday, September 14, 2:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Agriculture, Forestry and Tourism - Thursday, September 14, 9:00 a.m., Room 110, Farnum Building (373-1635)

Banking and Financial Institutions - Thursday, September 14, 12:00 noon, Room 100, Farnum Building (373-2417)

Finance - Wednesday, September 20, 12:00 noon, Room 110, Farnum Building (373-1758)

State Drug Treatment Court Advisory Committee - Tuesday, September 26, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Transportation - Tuesday, November 14, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:32 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, September 14, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

