

No. 92
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, December 10, 1997.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
A. Smith—present
V. Smith—present
Stallings—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Bill Bullard, Jr., of the 15th District offered the following invocation:

Heavenly Father, we ask for Your blessing upon this chamber during its deliberations. Bless our families, dear Lord, who give so much of their time so that we may serve. Most of all, let us remember to give thanks in Your name for the many blessings we receive. This we pray in Your name. Amen.

Motions and Communications

Senator Conroy entered the Senate Chamber.

Senator DeGrow moved that Senators Dunaskiss, Geake, Posthumus, Schuette, Schwarz, Stille and Van Regenmorter be temporarily excused from today's session.

The motion prevailed.

Senator Berryman moved that Senators Miller and V. Smith be temporarily excused from today's session.

The motion prevailed.

Senators Geake and Dunaskiss entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, December 9:

House Bill Nos. 4841 5002 5048 5066 5110 5129 5278

By unanimous consent the Senate proceeded to the order of

General Orders

Senator DeGrow 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 Binsfeld, designated Senator Young as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4619, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745 (MCL 333.17745), as amended by 1996 PA 355.

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

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

House Bill No. 5121, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2 and 11a (MCL 125.2152 and 125.2161a), section 2 as amended by 1996 PA 270 and section 11a as amended by 1996 PA 452.

Substitute (S-1).

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

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

House Bill No. 5370, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 629, 1225, 1351, and 1351a (MCL 380.629, 380.1225, 380.1351, and 380.1351a), section 629 as amended by 1991 PA 187, section 1225 as amended by 1994 PA 103, section 1351 as amended by 1990 PA 352, and section 1351a as amended by 1994 PA 278.

Substitute (S-2).

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

During the Committee of the Whole, Senators Stille, Schuette, Miller and V. Smith entered the Senate Chamber.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:16 a.m.

10:43 a.m.

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

During the recess, Senators Schwarz, Posthumus and Van Regenmorter entered the Senate Chamber.

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

Senator DeGrow moved that consideration of the following bills be postponed temporarily:

Senate Bill No. 825

Senate Bill No. 826

Senate Bill No. 827

Senate Bill No. 805

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 473, entitled

A bill to amend 1968 PA 289, entitled "An act to authorize circuit court judges to grant immunity to witnesses upon application of the prosecuting attorneys; to prescribe the procedures therefor; and to prescribe penalties for refusal to testify and for giving false testimony," by amending the title and sections 1, 2, and 3 (MCL 780.701, 780.702, and 780.703) and by adding section 2a.

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—30

Bennett	DeGrow	Hoffman	Rogers
Berryman	Dingell	Koivisto	Schuette
Bouchard	Dunaskiss	McManus	Schwarz
Bullard	Emmons	Miller	Shugars
Cherry	Gast	North	Steil
Cisky	Geake	Peters	Stille
Conroy	Gougeon	Posthumus	Van Regenmorter
DeBeaussaert	Hart		

Nays—6

O'Brien	Smith, V.	Vaughn	Young
Smith, A.	Stallings		

Excused—0

Not Voting—1

Byrum

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 474, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 6 and 19b of chapter VII (MCL 767.6 and 767.19b).

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—31

Bennett	DeBeaussaert	Hart	Rogers
Berryman	DeGrow	Hoffman	Schuetz
Bouchard	Dingell	Koivisto	Schwarz
Bullard	Dunaskiss	McManus	Shugars
Byrum	Emmons	Miller	Steil
Cherry	Gast	North	Stille
Cisky	Geake	Peters	Van Regenmorter
Conroy	Gougeon	Posthumus	

Nays—6

O'Brien	Smith, V.	Vaughn	Young
Smith, A.	Stallings		

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 475, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 125, 157, 446, 453, and 461 (MCL 750.125, 750.157, 750.446, 750.453, and 750.461); 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—31

Bennett	DeBeaussaert	Hart	Rogers
Berryman	DeGrow	Hoffman	Schuetz
Bouchard	Dingell	Koivisto	Schwarz
Bullard	Dunaskiss	McManus	Shugars
Byrum	Emmons	Miller	Steil
Cherry	Gast	North	Stille
Cisky	Geake	Peters	Van Regenmorter
Conroy	Gougeon	Posthumus	

Nays—6O'Brien
Smith, A.Smith, V.
Stallings

Vaughn

Young

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 476, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7 (MCL 29.7).

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—31**Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
ConroyDeBeaussaert
DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
GougeonHart
Hoffman
Koivisto
McManus
Miller
North
Peters
PosthumusRogers
Schuette
Schwarz
Shugars
Steil
Stille
Van Regenmorter**Nays—6**O'Brien
Smith, A.Smith, V.
Stallings

Vaughn

Young

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators V. Smith, Stallings and A. Smith, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill Nos. 473, 474, 475 and 476.

Senator V. Smith moved that the statements he made during the discussion of Senate Bill No. 475 be printed as his reasons for voting “no.”

The motion prevailed.

Senator V. Smith’s first statement, in which Senators Stallings and A. Smith concurred, is as follows:

I rise to oppose item number 8, Senate Bill 475. In this bill we move from what’s currently allowed in law in Michigan, which is transactional immunity, to eliminate that and replace it with use immunity. I think it’s in the state. Transactional immunity is an immunity that the prosecutor would have to give you immunity for your actions regarding a specific transaction that you were involved in. If you’re cooperative and testify against somebody else, the prosecutor might decide to do that.

The use immunity is a little different and it’s a lot more narrow. The use immunity basically protects the statement that you make to the prosecutor. So whatever is contained within your statement cannot be used against you for criminal prosecution, but the prosecution still has the opportunity to bring the case. I don’t really mind giving him the opportunity to bring the case. I just think that use of use immunity is going to be ineffective and I don’t think that any defense attorney will advise his client to take a limited use immunity rather than transactional immunity. If the Legislature changes the law and says that is the only thing available, then I think basically we close the prosecutor out.

I was in the Judiciary Committee and I heard the prosecutors say they wanted this. I think it’s a mistake on their part. I think it’s a very limiting view on their part, and if we wanted to, we could have given them both. We could have given them the option of both the transactional and use. We didn’t do that. We eliminated the transactional and replaced it with use immunity. I think it’s a mistake. I don’t think the defense attorneys will advise their clients to take advantage of it and I think we will lose a lot of important prosecutions based on the fact that we have now moved to change these statutes. Therefore, I would ask that you vote “no” on this bill.

Senator V. Smith’s second statement, in which Senators Stallings and A. Smith concurred, is as follows:

Just in response to the good the Senator. I understand the argument that he’s making. I don’t think it holds a whole lot of validity to it because, one, when you’re engaged in this type of transaction with a prosecutor, you’re not just up there willy nilly spilling your beans, you’re making responses to very specific questions asked under oath. So you’re not going to be up there volunteering information—I did this, that or the other.

I don’t think that’s a strong argument, but I do think that the prosecutors are going to hurt themselves in the long-run by limiting their options. They should have asked for both options rather than trying to exclude the primary options the defense attorney is interested in in terms of advising his client. To allow his client to take this use immunity, he’d be better off taking the Fifth Amendment and taking the one year in jail. That’s the max by not testifying at all.

The following bill was read a third time:

Senate Bill No. 718, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 2955c.

The question being on the passage of the bill,

Senator Rogers offered the following amendments:

1. Amend page 2, line 26, after “IF” by inserting “THE COURT DETERMINES AS A MATTER OF LAW THAT”.
2. Amend page 3, line 20, after “TRATOR,” by striking out the balance of the line through “HAVE” on line 21 and inserting “THE COURT DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT THE PERPETRATOR”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 670

Yeas—36

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.
Byrum	Gast	O’Brien	Stallings
Cherry	Geake	Peters	Steil
Cisky	Gougeon	Posthumus	Stille
Conroy	Hart	Rogers	Van Regenmorter
DeBeaussaert	Hoffman	Schuette	Young

Nays—0

Excused—0

Not Voting—1

Vaughn

In The Chair: President

The Senate agreed to the title of the bill.

Senator Bouchard moved that he be named co-sponsor of the following bill:

Senate Bill No. 718

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 300, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

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—20

Bennett	Emmons	McManus	Schuette
Cisky	Gast	Miller	Schwarz
Conroy	Geake	North	Shugars
DeGrow	Gougeon	Posthumus	Stille
Dingell	Koivisto	Rogers	Van Regenmorter

Nays—16

Berryman	Cherry	Hoffman	Stallings
Bouchard	DeBeaussaert	Peters	Steil
Bullard	Dunaskiss	Smith, A.	Vaughn
Byrum	Hart	Smith, V.	Young

Excused—0

Not Voting—1

O'Brien

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Berryman, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 300 and moved that the statement he made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Berryman’s first statement is as follows:

I rise to oppose passage. To the good Senator from the North—and Senator North—first of all, I think when those general powers were given to the school code revision and given to the schools, we have been systematically taking those powers away from them by passing laws and saying, “You can’t do this; you can’t do this; you can’t do this. “This is one more of those. I have passed out on the floor letters from schools within my district. I put all the letters in there. One school district said, “We don’t care.” So I’m not stacking the deck here just to further my opinion. One school board said it really didn’t make any difference to them. One school district thought they would like to go toward this start after Labor Day. By far, the majority of those letters you will read say that they feel this is an infringement on local control.

I would like to clear up a statement that was made yesterday that the school organizations and support groups—MEA, Federation of Teachers—supported this package. Not only do they not support it or stay neutral, they oppose the passage of this bill.

The other is that our school boards have entered into long-term contracts with our teachers and our support staff. If you read many of those contracts, they will tell you that the contract worker, the hourly worker, whether that individual—he or she—is an aide in the library or in the kitchen or some other support staff, that hourly employee must be at work the day before a holiday and the day after a holiday to get paid for that holiday. So, in the case of Labor Day, a national holiday, that employee must be there on Friday and Tuesday to get pay for that Monday. So now we’re interfering with locally agreed contracts and I think that’s way out of line.

I have no idea how anyone can think this is going to improve tourism in the North. This is dealing with students and teachers. You cannot have school on Friday before Labor Day. How is that going to have a positive impact on tourism in the state of Michigan and in the North? If you really are serious about having an impact and trying to get more people up North, then why don’t you support legislation or introduce legislation that makes that Friday a state holiday. Then actually the kids’ parents could have the day off and they could actually go up North for a four-day weekend. You’re saying the kids can’t be in school, but most of their parents will be working in the factories, in retail and everything else. So if you’re really serious, make that a state holiday, give everyone the day off and maybe they’ll go up North and visit.

I think this is more—with all due respect to the good Senator—politically driven and just does not make any sense. The biggest opposition is that it does interfere with local control and it certainly interferes with contracts that have already been negotiated and agreed to. So, I would urge my colleagues to defeat this proposal and leave local control and these decisions in the hands of the school boards. The very same people who voted for you voted for those school board members.

Senator Berryman’s second statement is as follows:

I wanted to respond to the good Majority Floor Leader. I think he makes a compelling argument until you look at this response, hopefully. He said, “I don’t mind because maybe it doesn’t help education, but it doesn’t hurt education.” Well, I disagree with him or I challenge him. He was one of the sponsors and the pushers to add an extra day to the calendar every year for X-number of years. If that extra didn’t mean anything, why did he trumpet it so that it was going to have a great deal to do with public education and educating our kids. You said adding a day a year was going to make a difference in the quality of education in Michigan. Now you’ve just given one up. So I don’t think that position is very consistent.

By unanimous consent the Senate proceeded to the order of
Statements

Senator DeGrow asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator DeGrow’s statement is as follows:

The Senator was correct. I wasn’t the supporter; I was the author of the part that required more schooling. I don’t see it as inconsistent at all to talk about adding days, and yet, taking one day off. I still stand by my statement when I said that it would not hurt education to have a four-day weekend. I don’t see how that hurts. If it means we have one

extra day in August, so be it. I don't see how that hurts anymore than taking Christmas or Thanksgiving off hurts. Under your argument, we would never have a holiday because that always means we have to have a day elsewhere. So under your argument, we go straight through Monday through Friday for 180 Mondays and Fridays consecutive. Because of that, I think we need to have those holidays. I think this is just an extension to that and I don't think it harms education.

Also I would point out again—and I realize I'm repeating myself—that we're studying this for three years. I think that's appropriate to see. If you look at that commission, it has educators on it. If, in fact, I'm wrong and you're right—I suppose within the realm of the universe that's always possible—then we'll stop it after three years. Assuming I get re-elected—and I understand you won't be here no matter what—but I will speak for you when you're gone. If you were right, then we'll stop it. If you can show me how that hurts education, I will lead the charge on that to stop it if you can show me that.

The one thing that bothers me is when I hear some people on the other side talk, it is with a tone that it was wrong to help an industry or it's wrong to help tourism. I guess if that hurt education as the expense, I would buy that argument. But if we can have a day off in this state and it helps an industry survive and it helps those working families who you so eloquently talk about from time to time on this floor, if helps them survive and it doesn't hurt education, I think that's positive. I also think it's worth the risk to try it for three years to see. I'm on the committee that heard this bill and we had people talk about how a percentage of their livelihood is derived towards the end of the summer. I don't want them to go out of business or hurt those families anymore than you do. So, Senator, those days are being added, but they're being added over a long period of time. So for three years we'll do this. If at the end of three years it's hurting schools, then we'll stop. Or if it gets so burdensome because we've added so many days, we can look at it. But in the meantime, I think some families will be able to earn their livelihood. I don't think that the world will end. It's not anywhere near what the original bill was.

So I think this is a vote that doesn't hurt education. The person speaking in many ways is a strong advocate of public education. I've defended it time and time again. Once in a while public education has to look out for something besides itself. These kids whom they're graduating we hope are going to work in this state. Now that we're prospering, I think they will. We want a healthy state, so I think it is appropriate to do those things. I think it's appropriate to look at this because this is a case where we have compromised. But I think we've done it for the best.

Senator Steil moved that rule 3.505 be suspended to allow him to vote “nay” on the passage of the following bill:

Senate Bill No. 300

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 544, entitled

A bill to amend 1994 PA 203, entitled “Foster care and adoption services act,” by amending section 2 (MCL 722.952) and by adding sections 4a and 4b.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and amended the title to read as follows:

A bill to amend 1994 PA 203, entitled “An act to establish certain standards for foster care and adoption services for children and their families; and to prescribe powers and duties of certain state agencies and departments and adoption facilitators,” by amending section 2 (MCL 722.952) and by adding sections 4a, 4b, 4c, and 4d.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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. 672

Yeas—36

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Byrum	Gast	O'Brien	Stallings
Cherry	Geake	Peters	Steil

Cisky
Conroy
DeBeaussaert
DeGrow

Gougeon
Hart
Hoffman
Koivisto

Posthumus
Rogers
Schuette
Schwarz

Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Bullard

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Recess

Senator DeGrow moved that the Senate recess until 1:30 p.m. The motion prevailed, the time being 11:57 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Senator DeGrow moved that consideration of the following bill be postponed for today:

Senate Bill No. 181

The motion prevailed.

House Bill No. 4643, entitled

A bill to amend 1937 PA 94, entitled "An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

(This bill was returned from the House on December 9, as requested and the motion to reconsider the vote postponed, see Senate Journal No. 91, p. 1962.)

The question being on the motion to reconsider the vote by which the House substitute was concurred in.

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

The question being on concurring the House substitute made to the Senate substitute,

Senator Bullard offered the following amendment to the substitute:

1. Amend page 12, following line 10, by inserting:

"(CC) EFFECTIVE JANUARY 1, 1998, THE USE OR CONSUMPTION OF SERVICE DESCRIBED IN SECTION 3A(A) OR (C) BY MEANS OF A PREPAID TELEPHONE CALLING CARD, A PREPAID AUTHORIZATION NUMBER FOR TELEPHONE USE, OR A CHARGE FOR INTERNET ACCESS."

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 673

Yeas—34

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Byrum	Gast	Peters	Steil
Cherry	Geake	Posthumus	Stille
Cisky	Gougeon	Rogers	Van Regenmorter
Conroy	Hart	Schuetz	Vaughn
DeBeaussaert	Hoffman	Schwarz	Young
DeGrow	Koivisto		

Nays—0

Excused—0

Not Voting—3

Bullard	O'Brien	Stallings
---------	---------	-----------

In The Chair: Schwarz

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

Senator V. Smith moved that Senators Miller and O'Brien be temporarily excused from the balance of today's session. The motion prevailed.

Senators Miller and O'Brien entered the Senate Chamber.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 825, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and by adding chapter IXA.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 46, following line 2, by inserting:

"750.263(3) PROPERTY	E	DELIVERY, USE, OR DISPLAY OF ITEMS WITH COUNTERFEIT MARK — SUBSEQUENT OFFENSE OR OVER \$1,000 OR 100 ITEMS	5
750.263(4) PROPERTY	E	MANUFACTURING ITEMS WITH COUNTERFEIT MARK	5".

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

Senator Van Regenmorter offered the following amendments:

1. Amend page 59, line 1, by striking out all of subdivision (A) and relettering the remaining subdivisions.
2. Amend page 59, line 2, after the second "CLASS" by striking out "C" and inserting "A, B, C,".

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 674**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetten	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 826, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 34 (MCL 800.34), as amended by 1996 PA 83; and to repeal acts and parts of acts.

The above bill was read a third time.

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—36**

Bennett	DeGrow	McManus	Shugars
Berryman	Dingell	Miller	Smith, A.
Bouchard	Dunaskiss	North	Smith, V.
Bullard	Emmons	O'Brien	Stallings
Byrum	Gast	Peters	Steil
Cherry	Geake	Posthumus	Stille
Cisky	Gougeon	Rogers	Van Regenmorter
Conroy	Hart	Schuetten	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young

Nays—0**Excused—0**

Not Voting—1

Hoffman

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Bouchard, Bennett, Gougeon, North, McManus, Peters, Steil, DeBeaussaert, Miller, Young, Byrum, Hart, Cherry, Shugars, Cisky, Stille, O'Brien, Dunaskiss, Schuette, Schwarz and A. Smith moved that they be named co-sponsors of the following bill:

Senate Bill No. 826

The motion prevailed.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 827, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34, 34a, 36, and 65a (MCL 791.234, 791.234a, 791.236, and 791.265a), section 34 as amended by 1994 PA 345, section 34a as amended by 1994 PA 427, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendments:

1. Amend page 5, line 17, after "by" by striking out "the prisoner;".
2. Amend page 14, line 15, after "time" by striking out "shall" and inserting "MAY".

The question being on the adoption of the amendments,

Senator Van Regenmorter moved that the question be divided and that a separate vote be taken on the amendments.

The motion prevailed.

The question being on the adoption of Amendment No. 1,

Senator Van Regenmorter withdrew the amendment.

The question being on the adoption of Amendment No. 2,

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

The question being on the passage of the bill,

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

Roll Call No. 676**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter

Conroy
DeBeaussaert
DeGrow

Hoffman
Koivisto

Schuette
Schwarz

Vaughn
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Bouchard, Peters, Steil, Stille, Dingell, Gougeon, Shugars, Berryman, McManus, Miller, DeBeaussaert, V. Smith, A. Smith, Stallings, Young, Emmons, Schuette, Cisky, Bullard, Hoffman, Berryman, Dunaskiss, Schwarz and Hart moved that they be named co-sponsors of the following bill:

Senate Bill No. 827

The motion prevailed.

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 484, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1995 PA 92.

The question being on the passage of the bill,

Senator Schuette offered the following amendment:

1. Amend page 3, following line 7, by inserting:

"(5) THE DEPARTMENT SHALL NOT LIMIT BY TYPE OF BUSINESS OR SERVICE THE NUMBER OF BUSINESSES PERMITTED TO ADVERTISE ON EACH LOGO SIGN IF THE MAXIMUM NUMBER OF BUSINESSES PERMITTED TO ADVERTISE ON LOGO SIGNS AT AN INTERCHANGE HAS NOT BEEN REACHED. AS USED IN THIS SUBSECTION, "LOGO SIGN" MEANS A SIGN AUTHORIZED UNDER THE PILOT PROGRAM DESCRIBED IN SUBSECTION (4)."

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

The question being on the passage of the bill,

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

Roll Call No. 677

Yeas—35

Bennett
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Posthumus
Schuette
Schwarz
Shugars

Smith, A.
Smith, V.
Stallings
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—2

Berryman

Rogers

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Rogers, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 484 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Rogers’ statement is as follows:

I would not ordinarily do this, but seeing as Senator Berryman and I did have the same color up there I feel compelled to come up here and defend my honor and integrity as a Republican conservative. I say that jokingly with all due respect for Senator Berryman, but I feel compelled to stand here because I voted for the logo bills the first time around and I thought it was a good idea to have the test project. Now we are encroaching out a little bit. In retrospect, I wish I had not done that. We are basically now having the state compete with private business, who are tax paying citizens in the state of Michigan, who advertise along our roadways. As Senator Berryman made quite clear, this is great if you are a large corporation that can spend millions of dollars in advertising so people understand your logo. Like McDonalds and Dunkin Donuts. But for that small doughnut shop in town that I frequent, as you can tell probably, for coffee and good conversation in the mornings. They are not going to stand a chance. They ought to have the ability to advertise down the road. I agree with Senator Berryman, down the road is coming the extinction of billboards or at least the attempt to do that. I think that is anti-small business. It is anti what we stand for certainly in trying to defend those little guys trying to make a living. I just wanted to make that clear. The state can put signs on a stick and somebody paying taxes can put a sign on a stick. Litter on a stick is litter on a stick. If you think this is litter on a stick you should not be voting for this either.

The following bill was read a third time:

Senate Bill No. 763, entitled

A bill to amend 1974 PA 369, entitled “An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,” by amending sections 2, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

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. 678

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O’Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 792, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

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. 679

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Berryman, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill Nos. 484 and 792 and moved that the statement he made during the discussion of Senate Bill No. 484 be printed as his reasons for voting "no."

The motion prevailed.

Senator Berryman’s statement is as follows:

I rise to say why I am going to vote against Senate Bill No. 484 before we actually vote because yesterday Senator Rogers and I voted the same way and broke the machine. I thought I would get the comment out first.

I know the sponsor of the legislation is very well intended. Actually, I have no problem with the logo signs whatsoever. The difficulty I have with what’s coming down the line is that the logo signs will take precedence and then there will be a bill to outlaw billboards. Some will applaud at that, but personally, I’m a fan of billboards. I think it’s very much Americana. Can they be overdone? Absolutely. Can they be done tastefully and in a way that does not hurt the environment—both pleasing to the eye and also physically to the environment? Yes, I think they can be. I think they’re very instructional.

I think who will be hurt if that happens, if logo signs take the place of billboards, then it will be fine if you’re McDonalds or Wendy’s or Taco Bell or any of the franchises where people recognize that logo. But, for an example, in my district we have an outstanding restaurant in Blissfield called the Hathway House. Now if you put Hathway House on a logo sign, maybe people in Lenawee County would know about that restaurant. But, even though it’s on a food logo sign, people from out-of-state or from outside the area would have no idea of the quality of food, the type of restaurant, how long it’s been in business—that information cannot go on a logo sign. That information isn’t large enough to see on a logo sign. That’s why I think billboards are so appropriate and that sign, that billboard could be five miles before that entrance giving you those kind of instructions to where it is, but also the type of restaurant it is, the history of that particular restaurant, the awards that they have received. So, I think, in the long-run, this could have a definite disadvantage to local businesses that are outstanding businesses that will not have any benefit of advertising their product.

So, it’s not against this legislation but it’s in opposition to I think what will be coming down the road and, again, adversely affecting many small entrepreneurs in my district and throughout the state.

The following bill was read a third time:

Senate Bill No. 486, entitled

A bill to amend 1947 PA 359, entitled “The charter township act,” by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

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. 680

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O’Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4635, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations," by amending sections 2 and 3 (MCL 28.292 and 28.293), section 2 as amended by 1996 PA 204.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 6, line 10, after "REQUESTED" by inserting "EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY LAW".

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

The question being on the passage of the bill,

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

Roll Call No. 681

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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 title of the bill.

The following bill was read a third time:

Senate Bill No. 312, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1304, 1304a, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1330, 1331, 1340, 1341, 1342, 1345, and 1346 (MCL 600.1304, 600.1304a, 600.1308, 600.1309, 600.1310, 600.1311, 600.1312, 600.1313, 600.1314, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1330, 600.1331, 600.1340, 600.1341, 600.1342, 600.1345, and 600.1346), sections 1304, 1310, 1311, and 1312 as amended by 1986 PA 104; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Cherry moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 780, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1a and 3 of chapter IX (MCL 769.1a and 769.3), section 1a as amended by 1996 PA 560 and section 3 as amended by 1982 PA 470.

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. 682**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 781, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 16 and 76 (MCL 780.766 and 780.826), as amended by 1996 PA 562.

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. 683**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 536, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 37a of chapter VII (MCL 767.37a) as added by 1994 PA 229, and by adding section 37b to chapter VII.

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. 684

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 537, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 473 (MCL 750.473), as added by 1993 PA 140.

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. 685

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 538, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending section 2 (MCL 722.642), as amended by 1988 PA 314.

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. 686

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 539, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1021 and 8311 (MCL 600.1021 and 600.8311), section 1021 as added by 1996 PA 388.

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. 687**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5259, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16909 (MCL 333.16909), as amended by 1996 PA 536.

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. 688**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

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 bill shall 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 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 penalties and remedies; to provide for sanctions for violations of this act and local ordinances; 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 of the bill.

By unanimous consent the Senate returned to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4215, entitled

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, and 7a.

Substitute (S-1).

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

1. Amend page 11, line 12, after “DEPARTMENT.” by striking out the balance of the section.
2. Amend page 12, line 5, after “licensee” by striking out “OR RETAILER”.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that the Committee on Economic Development, International Trade and Regulatory Affairs be discharged from further consideration of the following bill:

House Bill No. 5120, entitled

A bill to amend 1962 PA 192, entitled “Professional service corporation act,” by amending section 4 (MCL 450.224), as amended by 1990 PA 166.

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

Senator DeGrow moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4619

House Bill No. 5121

House Bill No. 5370

House Bill No. 4215

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

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

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 4047, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3112b.

The above bill was read a third time.

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. 689

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

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 bill shall read as follows:

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title of the bill.

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

The motion prevailed.

Senator DeBeaussaert's statement is as follows:

I rise in support of this item and the next item on the calendar—two bills that I think are important steps in our attempts to protect and improve our water resources in this state.

These bills will apply across the state but they really came about because of the concerns in my district in Macomb County and the problems that have been experienced with Lake St. Clair. This bill may look on the surface to have small impact. It's the bill that would require that, as a condition of a permit for a sewage treatment facility, communities that are involved enact gutter and downspout disconnect ordinances requiring that homeowners and businesses disconnect those gutters and downspouts from their combined sewer system.

But in the work that we have done in Macomb County on this issue, we have learned that up to 20 percent of the storm water that currently enters those systems could be diverted if we provided for that gutter/downspout disconnect. That’s important because diverting those waters during heavy storms could mean the difference between having a combined sewer overflow or not and it could mean the difference between the size of the overflow that might occur. So, this is a very important step forward.

It’s unfortunate that we’re forced to take this action by statute because I think it could have been done through the permit process with the DEQ. I had argued by the hearing process that the department establish this as a permit requirement, but the department chose not to put those requirements in place. So I think it is appropriate now to put this in statute. It is a low-cost and a practical attempt to try to get a grip or handle on the problem that we’re experiencing across this state.

Again, as I said, it’s a problem that has come to the surface and has been focused largely in my area, in Macomb County, but across the state we’ve had billions of gallons of combined sewer overflows. If all communities that were affected took this simple step, we could certainly minimize and take the right step towards ending these kinds of overflows, but I think that the department’s reluctance to include these permits without the statutory requirement is an indicator of the kind of problem that we have. We need to be much more aggressive in moving forward on this issue and certainly my attempt, using the recommendations of a blue-ribbon commission in my community, in the coming year to try to see us move even farther and faster on these issues and, ultimately, to try to get the state towards the end product of ending the combined sewer overflows. The department has the responsibility to do that under federal law. We need to press forward to make sure that that occurs.

I would like to briefly also thank a group of students in Macomb County. A lot of people have been interested in this issue, but I had a number of students in Harmon Elementary in St. Clair Shores who wrote to me about their concerns about the lake: Justin Wilson and William Leiv and Alexandre Dedeayne. I had a chance to visit their class with their teachers, Mrs. Nerone and Mr. Newman, and Principal Allison and had a good discussion about this issue. I hope that the spirit of enthusiasm and commitment that they have in that classroom in Macomb County towards protecting our water quality, which I am sure exists around the state, will move this Legislature forward in protecting our water resources for today and for tomorrow.

I would ask for the support of the members on both bills.

The following bill was read a third time:

House Bill No. 4045, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3112a (MCL 324.3112a).

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. 690

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O’Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

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 bill shall read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title of the bill.

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

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 312, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1304, 1304a, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1330, 1331, 1340, 1341, 1342, 1345, and 1346 (MCL 600.1304, 600.1304a, 600.1308, 600.1309, 600.1310, 600.1311, 600.1312, 600.1313, 600.1314, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1330, 600.1331, 600.1340, 600.1341, 600.1342, 600.1345, and 600.1346), sections 1304, 1310, 1311, and 1312 as amended by 1986 PA 104; and to repeal acts and parts of acts.

The above bill was read a third time.

(This bill was read a third time earlier today and consideration postponed. See p. 1984.)

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 16, line 11, by striking out all of enacting section 1.

The question being on the adoption of the amendment,

Senator Cherry moved that the amendment and the following amendments be considered en bloc:

Senator Cherry offered the following amendments:

1. Amend page 2, line 3, after “The” by inserting “jury board OR”.
2. Amend page 2, line 9, after “The” by inserting “jury board OR”.
3. Amend page 2, line 18, after the first “the” by inserting “board OR”.
4. Amend page 2, line 22, after “The” by inserting “board OR”.
5. Amend page 3, line 25, after the second “the” by inserting “board OR”.
6. Amend page 4, line 2, after the second “the” by inserting “board OR”.
7. Amend page 4, line 22, after “The” by inserting “board OR”.
8. Amend page 4, line 27, after “the” by inserting “board OR”.
9. Amend page 5, line 3, after the second “the” by inserting “board OR”.
10. Amend page 5, line 13, after “The” by inserting “board OR”.
11. Amend page 5, line 18, by inserting “board OR”.
12. Amend page 6, line 15, after “The” by inserting “board OR”.
13. Amend page 6, line 17, after “The” by inserting “board OR”.
14. Amend page 6, line 23, by inserting “jury board OR”.
15. Amend page 6, line 25, after “the” by inserting “board OR”.
16. Amend page 7, line 1, after “The” by inserting “board OR”.
17. Amend page 7, line 6, after “the” by inserting “board OR”.
18. Amend page 7, line 13, by inserting “board OR”.
19. Amend page 7, line 19, after “The” by inserting “board OR”.
20. Amend page 7, line 23, after “The” by inserting “board OR”.
21. Amend page 8, line 1, after “when” by inserting “a board member OR”.
22. Amend page 8, line 5, after “The” by inserting “board OR”.
23. Amend page 8, line 10, after “The” by inserting “board OR”.
24. Amend page 8, line 19, after “the” by inserting “board OR”.
25. Amend page 9, line 2, after “the” by inserting “board OR”.
26. Amend page 9, line 5, by inserting “board OR”.
27. Amend page 9, line 8, after “The” by inserting “board OR”.
28. Amend page 11, line 15, after “the” by inserting “board OR”.

The motion prevailed.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 691**Yeas—17**

Berryman	Dingell	Miller	Smith, V.
Byrum	Gast	O'Brien	Stallings
Cherry	Hart	Peters	Vaughn
Conroy	Koivisto	Smith, A.	Young
DeBeaussaert			

Nays—20

Bennett	Dunaskiss	McManus	Schwarz
Bouchard	Emmons	North	Shugars
Bullard	Geake	Posthumus	Steil
Cisky	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Schwarz

The question being on the passage of the bill,

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

Roll Call No. 692**Yeas—19**

Bennett	Dunaskiss	McManus	Schwarz
Bouchard	Emmons	North	Shugars
Bullard	Geake	Posthumus	Steil
Cisky	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuette	

Nays—18

Berryman	Dingell	O'Brien	Stallings
Byrum	Gast	Peters	Van Regenmorter
Cherry	Hart	Smith, A.	Vaughn
Conroy	Koivisto	Smith, V.	Young
DeBeaussaert	Miller		

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Berryman, V. Smith, Young, Miller, DeBeaussaert, Stallings, Hart, Gast and Vaughn, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 312.

Senator Berryman's statement is as follows:

Mr. President, with all due respect for the sponsor of the bill, Senator Bouchard, I can agree with where he wants to go. I called my county clerks and they did not have a problem with the bill. One of the counties said they had some questions that they would like to talk out. So they said, "Whichever way you vote is fine with us. If you feel you need a little more time to discuss it and we could discuss it, certainly would not mind a 'no' vote on this, giving us that opportunity for us to get back with you." They did not get with me on the phone by the time the vote came, so I had to vote no. I think that it can save some time. I think that it could have been resolved and more people would have voted for it if we had just been given a little bit more time to talk to our elected officials back home.

Senators V. Smith and Stallings moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

Senator V. Smith's first statement, in which Senator Young concurred, is as follows:

Mr. President, I wish it was that simple, but I'm not so sure. And that's the problem. One of the things that this Legislature has been wrestling with is unification of the courts and reorganization of the courts. We have been wrestling and debating with that issue for some time. Now recently, in the latest legislation that we've had, we have tried to put most of those responsibilities in a uniform fashion under the circuit courts. The circuit judges and the chief judges regarding this jury pool—right now the administration of the jury pool is under the courts in my county. In Wayne County, our executive chief judge of the Third Circuit is Michael Sapala and the executive chief judge's administrator has control of the jury pool process. They want it to remain that way. We recently reorganized that court. We've eliminate Recorder's Court. We've eliminated functions in the Probate Court. We've made it very hard or we've already provided a lot of transition in my particular county. Now here's another step of taking responsibilities away from the courts and moving it over to the county clerk.

Since I've been on the committee, I've had an opportunity to talk to my chief judge and, therefore, I've kind of had to change my position on this bill after having talked to my judges. They've got a problem in that they want to see the jury pool situation continue to remain under some authority of the courts. They don't want to see this authority moved over to the county clerk. I hope a number of you have talked to your chief judges in your county, as well as your county clerks. If not, I hope that you are a little hesitant to put up that "yes" vote because you may be headed into disputes that are ongoing and continuing between your county clerk and your courts within your own particular county.

I hope that you will leave the situation as is with the court administrator, allowing them to continue to have that responsibility and not have it transferred over to the county clerk.

Senator V. Smith's second statement, in which Senator Young concurred, is as follows:

I rise to support the Cherry amendment. I talked to my chief judge and they like the way that process is operating. They have been struggling mightily to try to keep up with the changes that this Legislature has forced on the Third Circuit. Now we have another change and they are opposed to it. They don't want to see this responsibility turned over to the county clerk. I guess the question is why? I know in this legislation you're providing options, but one of the things that we should do when we want to provide options is try to look at what the current process is on the operations of the courts and the jury pools in the counties that are presently being served. So maybe in some of the more rural areas it might work to allow the county clerk to assume this function, but I'm not sure. Right now this is a function that is primarily assumed by the courts and the court administrators in terms of the jury pools.

This changes that process. Why? The question is why? I haven't had my clerk ask for this responsibility. I haven't had my judges wanting to give it away. In fact, they were surprised that we were up here today debating this type of legislation. I would hope that if you haven't called back home that you start having your offices make those calls to your chief judges and your county clerks to try to find out what their feel is. But if we're doing this for clarity or uniformity, I haven't heard those arguments. Cost savings—I really haven't heard those arguments. I don't quite know why we put this on the table. If it's not broke, then what's the logic behind the direction that we're trying to take here? I would hope that we'd leave this responsibility with the courts and leave it to the administrators, and not create another

area of potential hurt feelings between the county clerks and the judges. We already have some simmering points there already. This may encourage the rift.

I would hope that you'd re-think your support. I know that in my circuit my judges are opposed to this. My executive chief judge, Michael Sapala, is opposed to this. He wants his administrator to continue to be able to administer that pool. It's just another roadblock that he has to try to overcome for the smooth operation of the courts. The jury pools are not a function of the clerk's office; they're a function of the courts. The jury pools are responsible for providing juries to circuit courts for both civil and criminal matters. The administration of those pools are clearly handled in the court and the court respectively. About the only involvement that the county clerk would have is with the jury pool list itself.

So if the courts feel that they can better handle this responsibility and if they're already handling this responsibility, then why are we trying to put a whole new process in place? What's the cost? What are the additional dollars that the county clerks will want to use to carry out their new function of overseeing the jury pools? Right now we're presently paying hefty portions of the judicial budget through our General Fund budget. We are presently not paying for county clerk functions, but if you mandate this, there may even be Headlee implications. Another state mandate coming down, ill-thought out, mandating the locals to do it one way or another. It kind of smacks of the same sort of mandates that we see from the Feds. We've got one mandate after another from the Feds, and if we don't do it, they want to take away the federal money for this program or that program. So here's another mandate from on high trying to force the locals to operate in a particular fashion.

I would hope that we would re-think this, calm down, slow down and at least make some inquiries of the people who have that responsibility every day, rather than knee jerk and rush to a "yes" vote.

Senator V. Smith's third statement, in which Senator Young concurred, is as follows:

Mr. President, that was a pretty close vote. I know some of the members still have some apprehension. I listen to the explanation of the good Senator from the 13th District regarding the Cherry amendment and when he said the nomination for the jury board instead of going from the chief judge of the court to the Governor and back to the chief judge, now we go from the Chief Judge to the County Clerk.

Well the county clerk's and the chief judges are arguing now over this whole issue of court reform. They're arguing over who should have specific responsibilities regarding the operations of the courts and the specific responsibilities that the clerk's office has. This is just going to add fuel to the fire. This is going to require that the chief judge gives his nominations on the jury pool to the county clerk for the county clerk's determination. You're just going to add more fuel to the fire. We are going to see more disputes and we really need to settle the reform questions before we get into these types of issues of transferring jurisdictional authority. I think this is a mistake and I would ask the body to turn it down.

Senator Miller's statement is as follows:

Mr. President, before this vote came up, I was going to support it until I talked to my chief circuit judge in Macomb County. He informed me and the other Senator who's present here from Macomb County that we should be voting "no" on the bill. They are the men and women who have to provide justice in our county and I am going to follow their wisdom and vote "no" on the bill.

Senator Stallings' statement, in which Senator Hart concurred, is as follows:

I have to rise also in this last moment in opposition to this bill for those exact same reasons that were stated by the Floor Leader from the 2nd District. We are, in fact, creating an undue burden on both the chief judges in these different jurisdictions and the clerks of the courts. I would just be very, very hesitant for us to begin this process now, compounding the situation until we can get some clarification and clarity to the reform effort that is underway right now. I would urge our colleagues to either lay this bill over until those matters are resolved or to vote "no" on this particular bill.

Senator Gast's statement is as follows:

I voted "no" in deference to the direction most of my colleagues on this side of the aisle were voting, but I haven't had any complaints over what the system is now, how it's being run and how it's being formalized and how it's implemented. So, why change the thing—because Oakland County wanted it, perhaps? I don't know as that's the way we should initiate laws that balance the rest of the state and I haven't had any input at all from the three counties that I represent where that this is going to be a preferable system over what we have.

I recognize the Governor doesn't want to be burdened with all these singular appointments to jury board, but hey, that's the one day of the year that these people can perhaps take homage to themselves and say, "Look how important I am. I got an appointment." However menial it may be, and I don't think the jury board appointments should be considered menial, but nevertheless, I think it's a function that people can share and people can involve themselves in our government and it's a step in the right direction in getting people so that they take an interest in our government. Therefore, I voted "no" on this and think it's the wrong direction that we've taken.

Senator Vaughn's statement is as follows:

I think this has perhaps been the clearest demonstration of the arrogance of power. This is a sad day during the Christmas season for this kind of activity. I gladly voted "no." My people in Detroit never question my ability and my vote. But to see this demonstration of power really is a difficult one.

The following bill was read a third time:

House Bill No. 4619, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745 (MCL 333.17745), as amended by 1996 PA 355.

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. 693

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Pursuant to Joint Rule 20, the full title of the bill shall 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 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 penalties and remedies; to provide for sanctions for violations of this act and local ordinances; 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 of the bill.

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

The motion prevailed.

Senator Miller's statement is as follows:

I want to make an announcement about the fact that we work in this august chamber here in a very deliberative mood and we put in a lot of hours here. Besides the hard work that the staff does, we have a group of men and women who usually sit up there at the front of the body who cover our efforts and work. I just want to give a little recognition to a gentleman. I'll refer to him as a gentleman today, but sometimes his comments in The Detroit News were fit to be called a gentleman, Mr. President, but we'll refer to him as a gentleman. Today is his last day covering this body and we should give him applause for that. But, Mr. President, you could tell that it was his last day because he came wandering in at 3:30 this afternoon to cover this important last day on legislation. So you know what his thoughts were. Already he's been looking out the window trying to see the dome in Washington, but there's too many snowflakes for him to see that.

On a serious note, though, I just want to say that in my last six years here in dealing with Mr. Ken Cole he's been very objective. He's been fair and I can't say that about all the members of the press. But I would like to wish him well in his new endeavors in Washington and tell him that I have enjoyed reading his stories—good and bad—in The Detroit News. I wish his editorial board would be a little more objective in some of their writings, but as long as I have a "D" behind my name, I guess I'll always be somewhat not so objective. Anyway, Ken, I wish you well. You've been more than fair here in this body and I hope that you have a great future.

Senator North's statement is as follows:

Ken Cole will be ably replaced by someone from my district Gary Heinlein, the former editor of the St. Ignace News. Thank you, Mr. President, and good luck Ken!

Senator Stallings' statement is as follows:

I concur with the distinguished Senator from the 10th District in that this gentleman, and also a fraternity brother of mine, is a true gentleman. If it were not for him, I would not be as well-known in my Senate district. I can always count on this gentleman to adequately—not necessarily accurately—cover a story regarding all of my activities both here in the Senate and otherwise. So I'm going to sorely miss him. I did, in fact, talk to some of my friends in Washington, D.C., and was telling them that Ken Cole was coming to Washington. I picked up the paper a week ago and found that two of my friends have decided to leave the Congress—Congressman Dellums and Congressman Flakes, among others. I suppose their reason is that they've gotten wind that Ken Cole was coming to town.

So, Ken, it's been a pleasure working with you these numbers of years. Unfortunately, I'm going to miss all of your news articles and the outstanding coverage you've given me over the years. I trust that your predecessor will do likewise.

The following bill was read a third time:

House Bill No. 5121, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2 and 11a (MCL 125.2152 and 125.2161a), section 2 as amended by 1996 PA 270 and section 11a as amended by 1996 PA 452.

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. 694

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

“An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing.”

The Senate agreed to the full title of the bill.

By unanimous consent the Senate proceeded to consideration of the following bill:

House Bill No. 4215, entitled

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, and 7a.

The question being on the passage of the bill,

Senator Dingell offered the following amendments:

1. Amend page 37, following line 23, by inserting:

“SEC. 13. (1) THE DEPARTMENT SHALL NOT HAVE EXPRESS OR IMPLIED AUTHORITY TO PROMULGATE, AMEND, RESCIND, OR SUSPEND A RULE EXCEPT FOR RULES THAT WILL ADOPT FORMS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ACT. HOWEVER, THE DEPARTMENT MAY DEVELOP A PROPOSED RULE AND SUBMIT THE PROPOSED RULE TO THE LEGISLATURE WITH A REQUEST THAT THE LEGISLATURE ENACT LEGISLATION TO ADOPT BY REFERENCE THE PROPOSED RULE.

(2) THE TAX IMPOSED BY THIS ACT IS IN ADDITION TO ALL OTHER TAXES FOR WHICH THE TAXPAYER MAY BE LIABLE.”

2. Amend page 38, following line 2, by inserting:

“Enacting section 2. Section 13 of the tobacco products tax act, 1993 PA 327, MCL 205.433, is repealed.”

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

The amendments were adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 695

Yeas—19

Berryman	Dingell	O'Brien	Stallings
Byrum	Hart	Peters	Van Regenmorter
Cherry	Koivisto	Schwarz	Vaughn
Conroy	Miller	Smith, A.	Young
DeBeaussaert	North	Smith, V.	

Nays—18

Bennett	Dunaskiss	Hoffman	Schuette
Bouchard	Emmons	McManus	Shugars
Bullard	Gast	Posthumus	Steil
Cisky	Geake	Rogers	Stille
DeGrow	Gougeon		

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved to reconsider the vote by which the amendments were adopted. The question being on the motion to reconsider, Senator DeGrow moved that further consideration of the bill be postponed temporarily. The motion prevailed.

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

Senate Bill No. 133, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 40 (MCL 436.40), as amended by 1994 PA 421.

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

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 of the bill.

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

The Assistant President pro tempore, Senator Hoffman, resumed the Chair.

Senate Bill No. 741, entitled

A bill to amend 1993 PA 316, entitled "An act to provide for the collection of certain past due monetary amounts owed to courts of this state; and to prescribe the powers and duties of certain state and local officers and agencies," by repealing section 10 (MCL 12.140).

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

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

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

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

Senate Bill No. 812, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 502 (MCL 550.1502), as amended by 1994 PA 440.

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

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 of the bill.

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

Senate Bill No. 252, entitled

A bill to make supplemental appropriations for the department of natural resources for the fiscal year ending September 30, 1998; to provide for the acquisition of land; to provide for the development of public recreation facilities; to provide for the powers and duties of certain state agencies and officials; to make supplemental appropriations for the capital outlay and for the department of military and veterans affairs for the fiscal year ending September 30, 1997; and to provide for the expenditure of appropriations.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make supplemental appropriations for the department of natural resources for the fiscal year ending September 30, 1998; to provide for the acquisition of land; to provide for the development of public recreation facilities; to provide for the powers and duties of certain state agencies and officials; to make supplemental appropriations for the capital outlay and for the departments of community health and military and veterans affairs for the fiscal year ending September 30, 1997; to provide for certain advances from the general fund for the department of treasury; and to provide for the expenditure of appropriations.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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. 696

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

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 title as amended.

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

Senate Bill No. 487, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 126 (MCL 125.526).

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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. 697**Yeas—32**

Bennett	DeGrow	Hoffman	Schwarz
Berryman	Dingell	Koivisto	Shugars
Bouchard	Dunaskiss	McManus	Smith, V.
Bullard	Emmons	Miller	Stallings
Cherry	Gast	North	Steil
Cisky	Geake	Posthumus	Stille
Conroy	Gougeon	Rogers	Van Regenmorter
DeBeaussaert	Hart	Schuette	Young

Nays—5

Byrum	Peters	Smith, A.	Vaughn
O'Brien			

Excused—0**Not Voting—0**

In The Chair: Hoffman

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

Protest

Senator A. Smith, under her constitutional right of protest (Art. IV, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 487.

Senator A. Smith's statement is as follows:

I voted "no" on Senate Bill No. 487. Even though the House made a number of improvements on the legislation, my district is still very concerned that we have left the annual inspections process. While I think it's important that we do something that recognizes landlords that do, in fact, pass the inspections and we give them some incentive to keep meeting those inspection criteria, the loss of the annual inspection, particularly in a university community is, I think, a detriment to the local unit of government and to the residents of rental housing. Therefore, I voted "no" on the bill.

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

Senate Bill No. 340, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 11, 18, 19, 20, 23, 25, and 31 (MCL 567.231, 567.238, 567.239, 567.240, 567.243, 567.245, and 567.251); and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 7, after "for" by striking out "5" and inserting "7".
2. Amend page 1, line 8, after "within" by striking out "5" and inserting "7".
3. Amend page 2, line 9, after "a" by striking out "5-YEAR" and inserting "7-year".
4. Amend page 2, line 13, after "least" by striking out "5" and inserting "7".

5. Amend page 2, line 15, by striking out "5" and inserting "7".
6. Amend page 2, line 16, by striking out "5-YEAR" and inserting "7-year".
7. Amend page 2, line 19, after "If" by striking out "5" and inserting "7".
8. Amend page 2, line 21, after "been" by striking out "5" and inserting "7".
9. Amend page 2, line 23, after "the" by striking out "5-YEAR" and inserting "7-year".
10. Amend page 12, following line 26, by inserting:

"Enacting section 2. This amendatory act takes effect May 1, 1997."

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 698

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetz	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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 of the bill.

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

Senate Bill No. 596, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 25 (MCL 432.25), as amended by 1996 PA 167.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 23, after "STATE" by inserting a comma and "AND THE TERMS OF THE ASSIGNMENT ARE DISCLOSED, INCLUDING THE IDENTITY OF THE ASSIGNEE, THE PORTION OR PORTIONS OF PRIZE PAYMENTS TO BE ASSIGNED, AND THE AMOUNTS AND DATES OF ANY PAYMENTS THAT SHALL BE GIVEN IN EXCHANGE FOR THE ASSIGNMENT".

2. Amend page 3, line 4, after "PAYMENTS" by striking out the balance of the line through "UNDER" on line 6 and inserting "THAT ARE SUBJECT TO".

3. Amend page 3, following line 6, by inserting:

“(D) NOT LESS THAN 5 DAYS AFTER FILING A PETITION FOR A JUDICIAL ORDER THAT APPROVES A VOLUNTARY ASSIGNMENT UNDER THIS SUBSECTION AND NOT LESS THAN 10 DAYS BEFORE A HEARING ON THE PETITION, THE PETITIONER SHALL CAUSE A COPY OF THE PETITION AND NOTICE OF HEARING ON THE PETITION TO BE SERVED UPON THE ATTORNEY GENERAL. THE ATTORNEY GENERAL OR HIS OR HER ASSISTANT SHALL BE PERMITTED TO APPEAR AND TAKE ACTION THAT IS IN THE BEST INTERESTS OF THE BUREAU AND THIS STATE.”.

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

Pending the order that under rule 3.202, the bill be laid over,

Senator DeGrow moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 699

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O’Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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 of the bill.

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

Senate Bill No. 566, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 321 (MCL 600.321), as amended by 1990 PA 277.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 6, by striking out “\$250.00” and inserting “\$150.00”.

2. Amend page 3, following line 7, by inserting:

“Enacting section 1. Section 315 of 1997 PA 105 is repealed.

Enacting section 2. This amendatory act takes effect January 1, 1998.”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof;

the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 321 (MCL 600.321), as amended by 1990 PA 277; and to repeal acts and parts of acts.

Pending the order that under rule 3.202, the bill be laid over,

Senator DeGrow moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 700

Yeas—22

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	North	Shugars
Bullard	Geake	Posthumus	Steil
Cisky	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	Koivisto		

Nays—15

Berryman	DeBeaussaert	O'Brien	Stallings
Byrum	Dingell	Peters	Vaughn
Cherry	Hart	Smith, A.	Young
Conroy	Miller	Smith, V.	

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the title as amended.

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

Senate Bill No. 600, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 1996 PA 473.

The House of Representatives has amended the bill as follows:

1. Amend page 6, line 7, by striking out all of lines 7 and 8 and inserting "1395b-6 TO 1395b-7, 1395c TO 1395i, 1395i-2 TO 1395i-5, 1395j TO 1395t, 1395u to 1395w, 1395w-2 TO 1395w-4, 1395w-21 TO 1395w-28, 1395x TO 1395yy, AND 1395bbb TO 1395ggg."

2. Amend page 6, line 10, after "1396f" by striking out the balance of the subdivision and inserting a comma and "1396g-1 TO 1396r-6, AND 1396r-8 TO 1396v."

3. Amend page 6, following line 13, by inserting:

"SEC. 112E. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND THROUGH SEPTEMBER 30, 1998, THE DEPARTMENT IS NOT REQUIRED TO PAY DEDUCTIBLE, COINSURANCE, OR COPAYMENT MEDICARE COST-SHARING FOR A SERVICE TO THE EXTENT THAT THE PAYMENT, WHEN COMBINED

WITH A PAYMENT MADE UNDER TITLE XVIII FOR THE SERVICE, WOULD EXCEED THE PAYMENT AMOUNT OTHERWISE REQUIRED UNDER THE STATE PLAN FOR THE SERVICE TO BE PROVIDED TO AN ELIGIBLE RECIPIENT WHO IS NOT A MEDICARE BENEFICIARY.

(2) EXCEPT FOR A STATE PLAN-APPROVED MEDICAL SERVICES COPAYMENT, THE AMOUNTS PAID BY TITLE XVIII AND UNDER THE STATE PLAN FOR A SERVICE, IF ANY, SHALL CONSTITUTE PAYMENT IN FULL FOR THE SERVICE THROUGH SEPTEMBER 30, 1998.”

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” by amending section 109 (MCL 400.109), as amended by 1996 PA 473, and by adding section 112e.

Pending the order that under rule 3.202, the bill be laid over,
Senator DeGrow moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 701

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O’Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetz	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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 title as amended.

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

Senate Bill No. 514, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 702**Yeas—17**

Berryman	Dingell	O'Brien	Stallings
Byrum	Hart	Peters	Stille
Cherry	Koivisto	Smith, A.	Vaughn
Conroy	Miller	Smith, V.	Young
DeBeaussaert			

Nays—20

Bennett	Dunaskiss	Hoffman	Schuette
Boucharde	Emmons	McManus	Schwarz
Bullard	Gast	North	Shugars
Cisky	Geake	Posthumus	Steil
DeGrow	Gougeon	Rogers	Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senate Bill No. 520, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 3 (MCL 397.173).

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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. 703**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.

Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetze	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

Senator Hart moved that he be named co-sponsor of the following bill:
Senate Bill No. 520
The motion prevailed.

Senate Bill No. 664, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of surplus funds of political subdivisions of the state; and to validate certain investments," by amending the title and sections 1 and 3 (MCL 129.91 and 129.93), the title as amended by 1988 PA 285 and section 1 as amended by 1997 PA 44, and by adding sections 5 and 6; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-3) and ordered that it be given immediate effect.
Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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. 704

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetze	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 705, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38c (MCL 208.38c), as amended by 1994 PA 231.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator DeGrow moved that the rule be suspended.

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

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. 705

Yeas—37

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 727, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 831.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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

Senator Hoffman offered the following amendment to the substitute:

1. Amend page 2, line 12, after "FOREST." by striking out the balance of the section.

The amendment to the substitute was not adopted.

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. 706**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

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 of the bill.

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

Senate Bill No. 698, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending sections 1 and 12a (MCL 125.1801 and 125.1812a), section 1 as amended by 1996 PA 271 and section 12a as amended by 1996 PA 453.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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. 707**Yeas—37**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

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

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

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 4215, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, and 7a.

(This bill was read a third time earlier today, amendment adopted and the motion to reconsider the vote postponed. See p. 1998.)

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

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

The question being on the adoption of the amendments,

Senator Dingell requested the yeas and nays.

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

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

Roll Call No. 708**Yeas—17**

Berryman	Dingell	O'Brien	Smith, V.
Byrum	Hart	Peters	Stallings
Cherry	Koivisto	Schwarz	Vaughn
Conroy	Miller	Smith, A.	Young
DeBeaussaert			

Nays—20

Bennett	Dunaskiss	Hoffman	Schuette
Bouchard	Emmons	McManus	Shugars
Bullard	Gast	North	Steil
Cisky	Geake	Posthumus	Stille
DeGrow	Gougeon	Rogers	Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator Emmons offered the following amendments:

1. Amend page 9, line 5, after “LICENSE” by striking out the comma and “AS DETERMINED BY THE DEPARTMENT;”.
2. Amend page 9, line 6, after “PROOF” by inserting a comma and “AS DETERMINED BY THE DEPARTMENT;”.
3. Amend page 9, line 12, after “BUSINESS” by inserting “IF THE APPLICANT OWNS OR HAS AN EXECUTED LEASE FOR SUCH A FACILITY”.

The amendments were adopted, a majority of the members serving voting therefor.

Senator Stallings offered the following amendment:

1. Amend page 11, line 12, after “DEPARTMENT.” by inserting “THE DEPARTMENT SHALL PAY FOR THE STAMPS.”.

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

The question being on the passage of the bill,

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

Roll Call No. 709**Yeas—35**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Stallings
Byrum	Gast	O’Brien	Stille
Cherry	Geake	Peters	Van Regenmorter
Cisky	Gougeon	Posthumus	Vaughn
Conroy	Hart	Rogers	Young
DeBeaussaert	Hoffman	Schuette	

Nays—1

Smith, V.

Excused—0**Not Voting—1**

Steil

In The Chair: Schwarz

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

Senator DeGrow moved that the bill be given immediate effect.

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

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

“An act to provide for a tax upon the sale and distribution of tobacco products; to regulate and license manufacturers, wholesalers, secondary wholesalers, vending machine operators, unclassified acquirers, transportation companies, transporters, and retailers of tobacco products; to prescribe the powers and duties of the revenue division and the department of treasury in regard to tobacco products; to provide for the collection and disposition of the tax; to provide for the enforcement of this act; to provide for the appointment of special investigators as peace officers for the enforcement of this act; to prescribe penalties and provide remedies for the violation of this act; and to repeal certain acts and parts of acts on a specific date;”.

The Senate agreed to the full title of the bill.

Senators Dingell, Conroy, Byrum and Emmons asked and were granted unanimous consent to make statements and moved that their statements be printed in the Journal.

The motion prevailed.

Senator Dingell's first statement is as follows:

I'm one of the Senate's members of the Joint Committee on Administrative Rules, therefore, it's part of my job here in the Senate to try to keep an eye on the administrative rule-making process. After some 20 years of using the administrative rule process to try to thwart—and very successfully thwarting a lot of Democratic initiatives—the Governor got elected and suddenly changed his mind about the Joint Committee on Administrative Rules and did his best, again quite successfully, to emasculate the Joint Committee on Administrative Rules. As a part of that, he's also gone where no other Governor has gone in trying to establish rules where there's no authority for rules. This alarms me greatly. I think anybody who is a strict constitutionalist would be horrified at some of the rule makings.

Perhaps the most horrifying example of over-reaching by a bureaucrat, an unelected bureaucrat, in trying to establish a rule, is what we're trying to correct or prevent here today. It's important to understand as a part of this controversy, that the Department of Treasury is an executive agency and therefore has very little rule-making authority inherent in its establishment as a department. Instead they have to rely upon identifiable sources of authority in the statute.

The Tobacco Tax Act—1993 Public Act No. 327—is what they attempted to rely upon to establish rules which required stamps on each and every pack of cigarettes. 1993 Public Act No. 327 makes no reference to the authority to stamp cigarette packs. In essence, the Department of Treasury attempted to find authority to make rules by creatively interpreting language of that act, specifically MCL 205.426 (6). That subsection provides that each original manufacturer shipping case shall bear the name and address of the person making the first purchase or any other markings the department prescribes. In order for the Treasury Department to find authority for rules, it had to interpret markings to mean a stamp that's affixed to each pack of cigarettes. When one again considers the tax stamps were well known when Public Act No. 327 was enacted, you can't really consider a tax stamp to be considered a marking.

To find authority for its rules, Treasury had to interpret the statute's use of the word “container” to mean “package of cigarettes.” In MCL 205.426 (6), the word “container” is used twice. It first provides for a penalty if a tobacco product is found in a place of business without proper markings on the shipping case, box or container of the tobacco product. Later it provides that if a tobacco product is shipped outside the state the person shipping it shall cause to be placed on every shipping case or other container in which the tobacco product is shipped, the name and address of the recipient. At best the definition of container is ambiguous and cannot be said to refer to a package of cigarettes. Does Treasury really believe that the provision just cited requires that a shippers name and address be placed on every package of cigarettes shipped out of the state? Treasury is not requiring that at the present and it points out the fact that they were, indeed, over-reaching, going well beyond their authority which is probably not there in the first place.

There's only one cure for this kind of over-reaching by a department and that's simply to eliminate all authority, all opportunity for misuse. Don't tell the Governor, but the Treasurer's a friend of mine, but he did the wrong thing here. The only way you can stop unelected bureaucrats from doing this kind of thing is to simply eliminate their authority to do it. There is, I will acknowledge, some authority that they need for rule-making to create the forms for taxpayers to fill out when making their returns. This amendment leaves Department of Treasury that authority but no more! No authority for misuse. I recommend this to my colleagues. This is a case of clear wrong-doing that we absolutely must correct if we're going to have any respect from the bureaucrats at all.

Senator Dingell's second statement is as follows:

In this amendment and in similar amendments that I'm likely to offer on other acts in the future, I'm not saying that the Legislature should end all rule-making. I think that we should carefully consider rule-making authority by various state departments and remove that which isn't absolutely necessary. Also, tell state departments that if they need a change in their current standards that they operate under, then they can come to the Legislature and we'll expedite the process for enacting new standards for them to operate under. The Legislature has done this in the past. If you look at

this particular amendment, it allows them to continue to set standards for forms on which taxpayers pay their taxes but it removes all other standard-setting authority by the Treasury Department under the Tobacco Products Tax Act.

I think that before he was elected to the office of Governor, John Engler felt that it was important that the Legislature have a strong voice in controlling over-reaching by state departments. Suddenly, he had some miraculous transformation upon becoming elected Governor of the state. I think that since we're still here in the state Senate, we ought to act forcefully to prevent over-reaching by him now that he's Governor. I don't see any other way to do it than this right here. Seeing as how he is Governor, if he doesn't like enactments that we do, he can veto them. That puts him in a power position that is unassailable except by simply removing all rule-making authority except that which is absolutely necessary.

Senator Dingell's third statement is as follows:

For 20 years in the State Legislature, John Engler used the Joint Committee on Administrative Rules to block no end of initiatives that he felt were ill-advised. Somehow the minute he became Governor, he decided the power that he had been using was illegitimate and he got the courts to go along with it. I disagree with the Circuit Court and the Court of Appeals. I think the Supreme Court would rule otherwise, and it may yet.

Back when this discussion first started, we got these blandishments from the front office saying that we're going to agree to some other form of active involvement by the Legislature. Well, I am a member of JCAR now, and the only kind of proposed agreements that I have heard from the executive branch is perhaps let us see rule-making six months before they take effect. And oh, by the way, if you don't agree with them—we are going to ram them through anyway. I hear from the majority party that supposedly if the Legislature doesn't like them during that six month period, they can enact something different. Do you guys honestly think that I believe you are going to override a veto by the Governor? Ain't gonna happen. I just don't believe you will do that kind of thing. If the Legislature wants to have some kind of active involvement in the rule making process, preventing what we consider to be ill considered standards being set, then it's going to have to be, via language such as this—that restricts rule making to areas where we don't think the bureaucracy is going to exceed the authority they are given.

Therefore, seeing as how we have heard nothing meaningful from the executive branch in two years, I think the time is here and now to do something. If you've been sold a bill of goods by the executive branch that they are going to do something—all well and good, but I don't think they will carry through with it. And, I'll tell you what, in another six months, I will be calling this to your attention again and I'll bet you my message then will be—you weren't told the truth for two years, then you got told a falsehood again for another six months and I'll be making this same argument that you are being taking advantage of. You're being cut out of the standards making process and it's time to assert yourself. With that, I don't see that there is any other way to deal with this situation other than the Dingell amendment, the one we have in front of us, which grants the rule making authority where it's necessary and prevents rule making in areas where they have actively engaged in rule making that they did not have the authority to do. You know, in the district I represent, I have no end from persons from the opposite persuasion, that reminds me that I took an oath to support and defend the Constitution—a part of that Constitution is the active involvement of the legislative branch in lawmaking. I didn't get elected here to get walked on, neither did you. I am reminded by these people of the opposite political persuasion that my oath of office is a specific performance contract. I have no right to do anything different. To that end, I think this amendment is the only thing we can do, therefore, I urge my colleagues to vote "yes."

Senator Conroy's statement is as follows:

I know the time is getting late and the Body probably isn't interested in more amendments, but I did want to at least tell you which two amendments I would have put on if I wanted to delay your vacation. One would be the preemption on local policy regarding tobacco; which has been kind of a thorn in the side of local units of government that want to do the right thing regarding policy on tobacco sales and education, if its younger people in particular.

Secondly, there is clearly a way to make these stamps safer and more fraud proof. We spoke frequently with Senator Carl on this—this is his bill that he started. The place where they really ought to put the stamps on is when they put the package together and that's by the tobacco companies. The tobacco companies could do it a lot cheaper than the \$1.5 million it is going to cost this state to pay these wholesalers to put it on. If the stamp was put on the package itself, prior to the cellophane, then there wouldn't be any chance that highbinders would be able to come in and take that stamp off without ruining the package itself. This is clearly a second best approach.

What we should have had the character and the votes to do, would be to require the tobacco companies to do this before they send the product to the state of Michigan. That would completely eliminate any fraud. They could have done it a lot cheaper than what it's going to cost us this way, but I guess that's the way in which it occurs in the legislative process. I do support the bill; I just think it could have been done maybe a better way.

Senator Byrum's statement is as follows:

I rise in support of the Dingell amendment, and I think I'm good enough at counting to understand that it probably won't prevail at this time. But that doesn't make this issue any less important, and that doesn't make the compelling reasons to support the Dingell amendment any less important. This is probably one of the more significant votes we will cast today. I say it's significant because if we continue to allow the process to go on that has been going on in

regards to rule making, then we have given up our ability to pass laws in Michigan. You have the bureaucracy, the executive branch and the agencies—not only writing the rules, but they are interpreting the rules, and they are enforcing the rules. Yes, they have a public hearing, but what we have found on the JCAR committee, is when the public comes in to give their final plea to have something changed in the law and the rules; they went through the public hearing process and the department or the agency level, but no one listened. In fact, rules were being filed, they were doing the hearing—nothing was changed, they were being implemented and used.

The only avenue for the public to have their voices heard, and have someone pay attention to them, listen to them and make appropriate changes, was at the legislative level. Because after all, we are accountable through the elective process back to the people. The bureaucrats are not accountable back to the public through standing for election and having all of the good and the bad things about each one of us open for public review debate and airing. That is a significant difference between us the elected body, the legislature and the bureaucracy. If we don't do it now, when might we do it? We've talked about this for more than a year, if we don't do it now, when will we address this issue? It happens to be a republican Governor now; in the future that might not be the case. This is not a partisan issue, this is a Constitutional issue. This is making sure that the voices of the people are heard and they are exercised through their elected officials. We have the ability to pass laws and appropriate money, and that's why the Dingell amendment is critical.

Senator Emmons' statement is as follows:

I would be remissed as Chairman of the Finance Committee without putting a word in for all the effort and work that former deceased Senator Doug Carl put in on this bill. We show the wisdom of finally what he led the fight for, by passage of this bill. It's a shame that Doug did not reap the benefit of that effort. Because he was the one who put in the yeoman service to get it ready to get passage today. So, I would like to pay tribute to him for all of the efforts he put in, and thank this body for following through and fighting on something that was terribly important to Doug that he worked very hard for.

The following bill was read a third time:

House Bill No. 5370, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 629, 1225, 1351, and 1351a (MCL 380.629, 380.1225, 380.1351, and 380.1351a), section 629 as amended by 1991 PA 187, section 1225 as amended by 1994 PA 103, section 1351 as amended by 1990 PA 352, and section 1351a as amended by 1994 PA 278.

The question being on the passage of the bill,

Senator DeGrow offered the following amendments:

1. Amend page 4, line 1, after "statute." by striking out the balance of the line through "STATUTE." on line 6.
2. Amend page 4, line 8, after "section" by striking out the balance of the line through "SECTION" on line 10.
3. Amend page 10, following line 3, by inserting:

"(11) IN ADDITION TO OTHER POWERS UNDER THIS SECTION, WITH THE APPROVAL OF THE STATE TREASURER, THE BOARD OF A LOCAL OR INTERMEDIATE SCHOOL DISTRICT MAY OBTAIN A LINE OF CREDIT TO SECURE FUNDS FOR SCHOOL OPERATIONS OR TO PAY PREVIOUS LOANS OBTAINED FOR SCHOOL OPERATIONS UNDER THIS OR ANY OTHER STATUTE. THE SCHOOL BOARD OR INTERMEDIATE SCHOOL BOARD SHALL PLEDGE NOT MORE THAN 30% OF THE STATE SCHOOL AID APPORTIONED TO THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT FOR THAT FISCAL YEAR FOR REPAYMENT OF FUNDS RECEIVED PURSUANT TO A LINE OF CREDIT OBTAINED UNDER THIS SUBSECTION. HOWEVER, THE SCHOOL BOARD OR INTERMEDIATE SCHOOL BOARD SHALL NOT BORROW AGAINST THE LINE OF CREDIT AN AMOUNT GREATER THAN THE DIFFERENCE, AS OF THE DATE OF THE BORROWING, BETWEEN THE TOTAL STATE SCHOOL AID FUNDS APPORTIONED TO THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT FOR THAT FISCAL YEAR AND THE PORTION ALREADY RECEIVED OR PLEDGED, EXCEPT SECONDARY PLEDGES MADE UNDER SECTION 1356. TO OBTAIN APPROVAL FOR OBTAINING A LINE OF CREDIT UNDER THIS SUBSECTION, A SCHOOL BOARD OR INTERMEDIATE SCHOOL BOARD SHALL APPLY TO THE STATE TREASURER IN THE FORM AND MANNER PRESCRIBED BY THE STATE TREASURER, AND SHALL PROVIDE INFORMATION AS REQUESTED BY THE STATE TREASURER FOR EVALUATING THE APPLICATION. THE STATE TREASURER SHALL APPROVE OR DISAPPROVE AN APPLICATION AND NOTIFY THE SCHOOL BOARD OR INTERMEDIATE SCHOOL BOARD WITHIN 20 BUSINESS DAYS AFTER RECEIVING A PROPER APPLICATION. IF THE STATE TREASURER DISAPPROVES AN APPLICATION, THE STATE TREASURER SHALL INCLUDE THE REASONS FOR DISAPPROVAL IN THE NOTIFICATION TO THE SCHOOL BOARD OR INTERMEDIATE SCHOOL BOARD."

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 710**Yeas—35**

Bennett	DeGrow	McManus	Shugars
Berryman	Dingell	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Byrum	Geake	Peters	Stille
Cherry	Gougeon	Posthumus	Van Regenmorter
Cisky	Hart	Rogers	Vaughn
Conroy	Hoffman	Schuette	Young
DeBeaussaert	Koivisto	Schwarz	

Nays—0**Excused—1**

Steil

Not Voting—1

Dunaskiss

In The Chair: Schwarz

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

Senator DeGrow moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

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

The Senate agreed to the full title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 699, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse

downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending sections 1 and 13b (MCL 125.1651 and 125.1663b), as amended by 1996 PA 454.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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. 711

Yeas—34

Bennett	DeGrow	Miller	Shugars
Berryman	Dingell	North	Smith, A.
Bouchard	Emmons	O’Brien	Smith, V.
Bullard	Gast	Peters	Stallings
Byrum	Geake	Posthumus	Stille
Cherry	Gougeon	Rogers	Van Regenmorter
Cisky	Hoffman	Schuette	Vaughn
Conroy	Koivisto	Schwarz	Young
DeBeaussaert	McManus		

Nays—0

Excused—2

Dunaskiss Steil

Not Voting—1

Hart

In The Chair: Schwarz

Senator V. Smith moved that Senator Hart be excused from the balance of today’s session.

The motion prevailed.

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

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

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

Senate Bill No. 682, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled “The Michigan liquor control act,” by amending section 18 (MCL 436.18), as amended by 1994 PA 185.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 18, after “LAWS” by inserting “UNLESS THE OFFICIAL IS CONTRACTUALLY PROHIBITED FROM ENFORCING THIS ACT”.

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

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator DeGrow moved that the rule be suspended.

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

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

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

Roll Call No. 712**Yeas—30**

Bennett	DeGrow	Koivisto	Schuette
Berryman	Dingell	McManus	Schwarz
Bullard	Emmons	Miller	Smith, A.
Byrum	Gast	North	Smith, V.
Cherry	Geake	O'Brien	Stallings
Cisky	Gougeon	Peters	Vaughn
Conroy	Hart	Posthumus	Young
DeBeaussaert	Hoffman		

Nays—5

Bouchard	Shugars	Stille	Van Regenmorter
Rogers			

Excused—2

Dunaskiss	Steil
-----------	-------

Not Voting—0

In The Chair: Schwarz

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 of the bill.

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

Senate Bill No. 481, entitled

A bill to authorize the state administrative board and the department of management and budget to convey certain parcels of state owned property; to prescribe conditions for the conveyances; to provide for disposition of the revenue from the conveyances; and to prescribe certain powers and duties of the department of management and budget regarding purchase and sale of certain real property.

The House of Representatives has amended the bill as follows:

1. Amend page 8, line 23, after “purposes” by inserting “and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities;”.

2. Amend page 9, following line 12, by inserting:

“(9) The revenue received under this section shall be deposited in the state treasury and credited to the general fund.”.

3. Amend page 10, line 23, after “purposes” by inserting “and if any fee, term, or condition is imposed on members of the public for recreational use of the conveyed property, all resident and nonresident members of the public shall be

subject to the same fees, terms, and conditions, except that the grantee may waive daily fees or waive fees for the use of specific areas or facilities;”.

4. Amend page 11, following line 12, by inserting:

“(9) The revenue received under this section shall be deposited in the state treasury and credited to the general fund.”.

5. Amend page 11, line 20, after “subcommittee.” by inserting “Any authority conferred by this section on the department of state police to sell excess land shall expire 7 years after the effective date of this act.”.

6. Amend page 11, line 21, after “sold” by striking out “under”.

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 713

Yeas—35

Bennett	DeGrow	McManus	Shugars
Berryman	Dingell	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O’Brien	Stallings
Byrum	Geake	Peters	Stille
Cherry	Gougeon	Posthumus	Van Regenmorter
Cisky	Hart	Rogers	Vaughn
Conroy	Hoffman	Schuetz	Young
DeBeaussaert	Koivisto	Schwarz	

Nays—0

Excused—2

Dunaskiss Steil

Not Voting—0

In The Chair: Schwarz

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

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

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

Senate Bill No. 716, entitled

A bill to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

The House of Representatives has concurred in the Senate amendment to the House amendment.

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

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

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

Resolutions

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

Senate Resolution No. 118

Senate Resolution No. 120

The resolution consent calendar was adopted.

Senators Steil, Posthumus, Stille, Gast, Shugars, Bennett, Gougeon, Schuette, Rogers, Dunaskiss, Bouchard, Cisky, Schwarz, Van Regenmorter, Hoffman, Geake, DeGrow, Emmons, McManus, North, Vaughn, Miller, Stallings, O'Brien, Cherry, Peters, Byrum, Berryman, A. Smith, DeBeaussaert, Young, Hart, Koivisto, Dingell, V. Smith, Conroy and Bullard offered the following resolution:

Senate Resolution No. 118.

A resolution commending and congratulating the Grand Rapids Christian High School Girls Basketball Team and its coaching staff for their achievements and the realization of their goal for securing the State Class A Basketball Championship Title.

Whereas, The skill, dedication, and determination of each player and the motivation, knowledge, and experience of Coach Van Den Bosch and his staff shall be recognized; and

Whereas, The families, students, fans, and school administration have given their support to cheer on their home team and help them to overcome obstacles and celebrate its victories; and

Whereas, The game of basketball has helped to instill character, perseverance, and hope within the game's athletes and coaches; and

Whereas, Coach Al Van Den Bosch has been committed to his players and to the Grand Rapids Christian High School for the enhancement of each player; now, therefore, be it

Resolved by the Senate, That tribute be accorded to salute the Grand Rapids Christian High School Girls Basketball Team, Class A State Champions and its coaching staff on their outstanding season and championship victory; and be it further

Resolved, That a copy of this resolution be transmitted to the Grand Rapids Christian High School, each team member, Coach Al Van Den Bosch and his coaching staff as evidence of our congratulations.

Senator DeGrow offered the following resolution:

Senate Resolution No. 120.

A resolution to memorialize the life of Mr. Lloyd Buhl.

Whereas, It is with deep sadness that the members of the Michigan Senate offer this resolution as a memorial to Mr. Lloyd Buhl. With genuine respect for his legacy of accomplishments, we join in extending our condolences to his family, friends and all those who had the good fortune of knowing this dedicated community leader and caring citizen. He will be sincerely missed; and

Whereas, Mr. Buhl led a full and varied life devoted to publishing, politics and community service, we will long remember him. In 1935, at the age of 17, he became the youngest publisher and newspaper editor in the state of Michigan. His career at the *Deckerville Recorder* spanned 57 years, and his column, which he continued even after his retirement in 1992, touched generations of loyal readers. Throughout his 79 years, Mr. Buhl's well-known love of newspapering was equally rivaled by his passion for politics. Mr. Buhl was a dedicated public servant, public speaker and political activist. He held the offices of Sanilac County Republican Committee Chairman, Chairman of the State Issues Committee, Deckerville Village President and Trustee, Justice of the Peace for Marion Township and Chairman of the Sanilac County Community Mental Health Board. Mr. Buhl was also the first layperson elected to the Michigan Probate Judges Retirement Board; and

Whereas, We feel the deepest sympathy for those who will miss him the most, his devoted family. Throughout his life, Mr. Buhl was most proud of the accomplishments of his children and grandchildren. His love for them was unwavering and apparent to all who knew him; and

Whereas, Lloyd Buhl's influence extended well beyond the boundaries of Sanilac County. We are comforted in the fact that he will always remain a highly respected individual who will continue to live in the hearts of all those whose paths he has crossed, both personally and professionally. His experiences earned him an admiration that will never cease and we are grateful for the legacy of service he has left with all of us; now, therefore, be it

Resolved by the Senate, That we recognize the contributions made by Mr. Lloyd Buhl to the residents of this state; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Mr. Lloyd Buhl as evidence of our respect and gratitude.

Senator Young was named co-sponsor of the resolution.

Senators Van Regenmorter, Posthumus, Emmons, V. Smith, Vaughn, DeBeaussaert, Conroy, Byrum, Koivisto, McManus, Stallings, Cherry, Peters, Young, Hart, DeGrow, Gast, Geake, Hoffman, Schwarz, Berryman, Miller, Stille, Steil, Shugars, Bennett, Schuette, North, A. Smith, Bouchard, Gougeon, Rogers, Cisky, O'Brien and the Lieutenant Governor offered the following resolution:

Senate Resolution No. 116.

A memorial resolution honoring former State Senator Gary Byker.

Whereas, It is with deep sadness and great respect that we offer tribute to the memory of former State Senator Gary Byker. A dedicated Christian, public servant, decorated World War II Veteran, loving husband, father and grandfather, Gary touched and enriched countless lives; and

Whereas, Out of a sense of responsibility to his family, Gary quit school at the age of 11 to secure employment during the Great Depression. His commitment to his country led him to enlist in the U.S. Army where he served with distinction, exhibiting exceptional heroism and courage for which he received numerous decorations; and

Whereas, Against tremendous odds, at the age of 30, and with only a seventh grade education, Gary enrolled in Calvin College to pursue his dream of becoming a Christian school teacher. Within four years of enrolling at Calvin College, through hard work and perseverance, his dream was realized and he was using his God-given talents as a teacher, inspiring others to cherish their education as a means to enrich their lives and achieve their goals; and

Whereas, Serving others was a well-established trait of Gary Byker. His public service career took many forms. He served on the Ottawa County Board of Supervisors, the Hudsonville Chamber of Commerce, the Hudsonville Zoning Board of Appeals, the Hudsonville Planning Commission and the Hudsonville Christian School Board. In each of these capacities, Gary brought that same commitment, caring attitude and sense of responsibility. The contributions of this talented and conscientious citizen did much to improve the lives of others; and

Whereas, In 1968, Gary Byker was elected to the Michigan Senate where he served for 10 years until his retirement in 1978. His leadership, concern and contributions earned the respect of his colleagues on both sides of the aisle and he will long be remembered as an avid supporter of education, as well as a champion of women's issues through his efforts at passing legislation protecting rape victims; and

Whereas, Gary Byker was an effective legislator who represented his constituents with distinction. He studied the issues closely, listened to those he represented and was a tireless and effective advocate for the causes in which he believed. He was a loyal Republican, but his primary concern was the people he represented; now, therefore, be it

Resolved by the Senate, That this memorial tribute be dedicated to honor and thank Gary Byker for his services on behalf of the people of the state of Michigan; and be it further

Resolved, That his family know of our admiration for his talent, our gratitude for his professionalism and our deep respect for his commitment to the Christian principles that shaped both his personal and professional lives; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Gary Byker as evidence of our respect and esteem.

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

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

Senator DeGrow moved that the resolution be read.

The motion prevailed.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote of the Senate.

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

The motion prevailed.

Senator Van Regenmorter's statement is as follows:

Gary Byker was one of my predecessors, there was someone who served between he and I, but we have a similar district. I did not serve with him here in this body because he retired before I came here. I'm so pleased that Senator Miller has his name up because I know that Senator Miller did serve with him.

But, he has been a constituent of mine for a long time and his reputation with his constituents is a reputation for integrity, honesty and hard work. Education, was his special interest, and while the resolution talks about his interest in Christian education, which was certainly manifest, he was also very interested and very supportive of all education, public, private and parochial.

He also was a person who said things the way things ought to be said, and he just had absolutely no tolerance for being politically correct, which earned him, I think, possibly some disagreement. But I think as what may be viewed as one of the highest levels of praise, the Grand Rapids Press, who were often at odds with Gary. When he retired from the Senate, in an editorial in which they were very sincerely stating their high regard said this: "It's a sad day for Michigan. Gary Byker with whom we almost never agreed, is retiring from the sate Senate." I think that said it well. It was a sad day for Michigan when he retired. It is a sad day for Michigan now that he has passed on, although, as a committed Christian we know that he is in a better place.

Senator Miller's statement is as follows:

Mr. President, we're all really special members to be here in this body, whether we're here now in 1997 or we're going to be here in 2097. I just want to say I had the privilege, when I was a younger man being in this body, to serve with a man who came from the western part of our state. If you listened to his resolution, Gary Byker was not only a statesman, but he was a great gentleman, and as you heard, he was a decorated veteran.

I just want to say, Mr. President, he not only was a fighter for our country here, but in this body he served here for 10 years. I had the privilege of serving with him for two years. He was a gentleman. He was a quiet man, but when he spoke, people in this body listened. He was a fighter in a decade for family principles and values. Michigan was a better place in the '60s and the '70s because of Gary Byker.

His family, I am sure, will be sorrowed this holiday season, but I'll tell you this: Senator Byker brought a lot of joy to families and children across this state in his tenure and I hope that every member here can leave here with the high esteem and principles that Gary Byker brought to this chamber and his family. I want my remarks printed in the Journal, Mr. President, because believe me, he was a man of great esteem and great integrity.

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 57.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, December 10, 1997, it stands adjourned until Tuesday, December 30, 1997, at 11:45 a.m. for the Senate and 11:30 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Tuesday, December 30, 1997, it stands adjourned without a day.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

House Concurrent Resolution No. 69.

A concurrent resolution to urge the President of the United States to designate the Detroit River as an American Heritage River.

Whereas, On September 11, 1997, the President of the United States established the American Heritage Rivers initiative through an Executive Order. The initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation. The program will provide assistance to community-led waterfront projects seeking to build upon resources that are vital to our economy, our heritage, and our future; and

Whereas, The process of selecting the first ten rivers for the program will start with nominations by local communities. The key to the success of this entire concept will be strong cooperation among local units, private and public interests, and state government. Another important element of the initiative is that it creates no new regulatory authority and will not interfere with state, local, or tribal jurisdiction; and

Whereas, Few rivers more aptly fit the profile of the American Heritage Rivers initiative than the Detroit River. As the link to the upper Great Lakes, the Detroit River is a thoroughfare for commerce and travel that has shaped the lives and fortunes of generations. From the canoes of Indians and voyageurs to the mighty lake freighters, the Detroit River has been the lifeblood of the entire region; and

Whereas, The Detroit River was the catalyst for the heartland's earliest industry, the fur trade. It transported the riches of the mines of Michigan and Minnesota, and the fortunes of the lumber era. It brought the people who came to the interior of the continent to build some of America's greatest cities, including Detroit, Chicago, and Milwaukee. It helped in the birth and growth of the automobile. The development of the Midwest region as an agricultural and industrial center for the world would have been impossible without the access to markets provided by the Detroit River; and

Whereas, The Detroit River is also unique in its geography as part of the world's most peaceful international boundary. Along its shores are two countries that symbolize the spirit of cooperation and shared values, including a strong appreciation for this mighty waterway; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the President of the United States to designate the Detroit River as an American Heritage River; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States and to the American Heritage Rivers Interagency Committee.

The House of Representatives has adopted the concurrent resolution.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Schwarz and Vaughn were named co-sponsors of the concurrent resolution.

Senators Miller, Byrum, DeBeaussaert, Hart, Schuette, Peters, DeGrow, Koivisto, Cisky, Shugars and Schwarz offered the following resolution:

Senate Resolution No. 119.

A resolution to memorialize the President and the Congress of the United States to expand health care options for senior citizens by permitting seniors to contract for services outside Medicare without penalty to the provider.

Whereas, The balanced budget agreement in Washington includes provisions pertaining to Medicare that restrict the options available to senior citizens in pursuing health care services. In the effort to bring financial efficiency to senior health care, our older citizens often have far fewer choices in seeking treatment; and

Whereas, Medicare provisions that penalize a doctor for treating a patient privately, outside of Medicare, illustrate the restrictiveness of the new policies. Under the current system, if a doctor provides services to a senior citizen that are paid for out of pocket and are not part of the Medicare coverage, that physician is barred from treating any Medicare patients for two years; and

Whereas, There is a bill in Congress that seeks to remedy the problem by extending, rather than restricting, the choices available to senior citizens. Clearly, the Medicare system, even as measures to economize are utilized, should not serve to restrict choices any more than is absolutely necessary; now, therefore, be it

Resolved by the State Senate, That we memorialize the President and the Congress of the United States to expand health care options for senior citizens by permitting seniors to contract for services outside Medicare without penalty to the provider; and be it further

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

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator DeGrow moved that the resolution be referred to the Committee on Health Policy and Senior Citizens.

The motion prevailed.

Senators Young and Emmons were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

Statements

Senators Posthumus, Bouchard, Cherry and Emmons asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Posthumus' statement is as follows:

I would like to thank all the members of this body for their hard work this year. Some of you may have read some cynical accounts that this has been a nonproductive Legislature because there have been fewer bills passed than in some years. Well, I don't think our Founding Fathers meant to have a legislature or a government judged by the number of bills that had been worked on or passed but, in fact, wanted it judged by what it did for its citizens. I think that in a very bipartisan way this Legislature will be remembered as one that did a great deal for the families of this state.

We dealt with some very major issues that have lingered for some time that a number of preceding legislatures and administrations have not been able to deal with. I think our actions will touch the lives of families and children for some time to come—whether it's in education where we're going to see over a billion dollars put into the education of our children and where our classrooms will be safer because of the work we've done on teacher assault legislation; whether it's in the case of our roads where we took some very strong efforts to improve the transportation infrastructure in this state; whether it be in the case in making our homes and streets safer with the passage of the sentencing guidelines here and other crime-fighting legislation. But with almost every piece—interestingly enough—of legislation that we worked on this year a major significance was done with bipartisan support. I think that is very interesting. I think it shows that this Legislature, when we need to do something, may be philosophically divided, but our efforts will be uniting.

I congratulate everybody for that work. I hope that each and every one of you have a very good holiday season and may the peace of the season go with all of you.

Senator Bouchard's statement is as follows:

First and foremost, I'd like to thank our leader for the effort. Clearly when you have a train that arrives at a station on time and it's orderly, a lot of that comes from leadership and I appreciate that. I think that's an important thing to

say at the outset. Secondly, I'd like to echo his comments as it relates to a report that, I guess in some respects is reporting to be a report card on this Legislature based on the number of Public Acts. I think that's a little bit disingenuous and I think promotes the feeling that the government doesn't actually do as much as it does. A big part of our job, quite frankly, is to be out talking to people and listening to people, finding out their problems, meeting with them. The vast majority of my time is spent talking with constituents, visiting schools and doing those kinds of things. The minority of my time is spent here on this floor. That would be likened to saying that a professional football player works about ten days a year.

The first thing that I would like to say is that this Legislature, I think, is a hard-working group of individuals on both sides of the aisle. We have dealt with issues, as the leader said, that have been perplexing. Many legislators were literally 5, 10 and 15 years on some fronts going specifically to the Durant issue. We've dealt with a huge package that the Lieutenant Governor shepherded through—the children's package dealing with issues critical to children in our state.

One of the things that I think is important for us to look back on is the bi-partisan effort on the casino issue. When that issue first landed in our laps, many said that there was no way, no way on this planet, we could come to a conclusion with a super majority in both chambers and have the Governor sign it into law. I think probably some of the same people who were saying "no" to that possibility then are also saying that we haven't done much work now.

There were huge amounts of hours and negotiations that went back and forth with the leaders of all parties in both chambers, the Governor included, to put together a package that is critical to the future of this state, and in particular, to the city of Detroit, to ensure that as the casino projects move forward, that they move forward in line with the tight regulatory oversight that's necessary here, and anyplace else in the country for that matter. That would not have been accomplished without a great deal of effort on behalf of all legislators on both sides of the aisle, much of which was behind the scenes and certainly wasn't recorded.

So, I'd like to join the leader in saying thank you to the members of both sides for your efforts that were visible and those that were not, for making our state a better place, and wish you all a wonderful holiday.

Senator Cherry's statement is as follows:

I wish to first join the previous speakers and the Majority Leader in wishing every member here and our staff a happy holiday and best wishes for this season. Special thanks to the Secretary's staff, our staff, Republican staff for the very intense effort that not only went into doing today but throughout this session, because I, too, echo the remarks made by the Majority Leader. This has, in my opinion, been a good, solid, bipartisan session. We obviously always have our disagreements. We have debates. But sometimes that's confused those on the outside to believe that we can't at times work together to accomplish a purpose when it's in the state's best interest to work together. I believe this Senate has demonstrated our ability to work together.

The issues have been listed, but it's casinos—a major package; roads; Durant; the grant problem; our budget; the children's package. All of those required compromise and required bi-partisan cooperation. I know that the previous speaker, the Senator from the 13th District, and I disagree on a bill earlier today. But I can tell you that in my efforts to work with him on casinos, there's no doubt in my mind that the state's best interests, the citizens of this state, are always foremost in his efforts as a legislator.

I think that characterizes every member in this body. As Senate Democrats, we've been pleased to be participants in those big packages. We're proud of some major accomplishments that our various members were able to achieve. We laid out at the beginning of the year an agenda. We saw many items on that agenda come to fruition in the course of this session. We could not have done that without the cooperation of our Republican colleagues. We say thank you for that. I, too, want to point out that sometimes you cannot measure the quality of a session by simply its numbers. There clearly have been quality packages moved through here. It's required the hard work of members of both parties. I think that we, as an institution, can be proud of 1997 as a year. With that, Mr. President, again happy holidays to you, the members and the staff and may your Christmas recess be a safe one. We'll be glad to see you all back here in January. May you enjoy the time with your families.

Senator Stallings' statement is as follows:

In the spirit of Thanksgiving, Christmas and those other holidays, I just want to share with the body that we all live in the shadow of the man of the dream of the moment. And out of respect and admiration we look, we learn and we remember. But to grow we must move out of the shadow, away from the darkness, towards the light and ultimately towards enlightenment. I'd like to wish everyone happy holidays.

Senator Emmons' statement is as follows:

Probably the most important things that I have done this year have not been on this floor and in this room. Over 60,000 surveys were sent out to classroom teachers across Michigan. I personally read at least 600 of those to see the kinds of concerns that teachers had about what was happening in their classrooms. We have just begun to address some of those issues. I was very pleased not only for the bipartisan support for the class size solution that was worked on together by Senator DeGrow and Senator Joe Conroy to put in an initiative to test class size, even more important was the package that went out of here with large bipartisan support to address the problem of discipline, violence and drugs in the schools, making sure that when a parent sent a child off to school, they'd be safe.

I'm very pleased also that we worked on a bipartisan basis to attempt to raise the standards of students in schools and raised the bar. I've always believed that if we set the bar high, the kids would go that high. That's what we've attempted to do in setting a very demanding test for later high schooling.

I would wish all of you God's blessings as you travel during your holidays. We have lots and lots of things to do on my list and I know that this body will work very hard to meet the concerns of the teachers who have come, have written and have participated in this outreach.

By unanimous consent the Senate returned to the order of
Resolutions

Senate Concurrent Resolution No. 57.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see p. 2021.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senator DeGrow moved that upon receipt of Senate bills returned from the House of Representatives without amendment, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Committee Reports

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

House Bill No. 5223, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon and Stallings

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, December 9, 1997, at 3:44 p.m., Elijah Myers Room, Capitol Building

Present: Senators Schuette (C), Shugars, Gougeon and Stallings

Excused: Senator O'Brien

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 6:18 p.m.

Pursuant to Senate Concurrent Resolution No. 57, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, December 30, at 11:45 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.