

No. 76
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, October 16, 1997.

10:00 a.m.

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

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

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeausaert—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—excused
Stallings—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Joanne G. Emmons of the 23th District offered the following invocation:

This morning I would like to give this prayer in memory of Doug Carl who was so swiftly taken away from us this past summer. I'd like to begin by quoting from Psalm 90:

"For a thousand years in Thy sight are but as yesterday when it is past. We are like grass which groweth up. In the morning it flourishes and groweth up; in the evening it is cut down and withereth. Thou has set our inequities before Thee and our secret sins in the light of Thy countenance. For all our days are passed away in the wrath: we spend our days in the tale that is told. The days of our years are threescore years and ten, yet they are soon cut off, and we fly away. So teach us to number our days that we may apply our hearts unto wisdom."

Let us all remember that one day our chair will be empty and one day our earthly resting place will be marked by a stone which will, in time, crumble and disappear. Let us remember our legacy will only endure in the good seeds we sow among those who follow us. Let us dedicate ourselves to becoming servants, humbling ourselves before God, working to obey God's commandments to love one another as He loves us. May we find and follow Doug Carl's good example and may God have mercy on us as he has on Doug. Amen.

Motions and Communications

Senators Stille and Dunaskiss entered the Senate Chamber.

Senator DeGrow moved that Senator Posthumus be temporarily excused from today's session.
The motion prevailed.

Senator A. Smith entered the Senate Chamber.

Senator DeGrow moved that rule 3.902 be suspended to allow the guests of Senators Dingell and Bullard admittance to the Senate floor.

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

Senator DeGrow moved that rule 3.901 be suspended to allow photographs to be taken on the Senate floor, including the center aisle.

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

Recess

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

10:11 a.m.

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

During the recess, Senator Bullard introduced to the Senate Officers Marty Harp and Gary Hamlin from the Wixom Police Department, recipients of the national Top Cops Award. A special tribute was presented to them for their heroic actions at the Wixom Ford Plant in November 1996.

Officer Hamlin responded briefly.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 4509

The motion prevailed.

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 190, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 1, line 3, after "FUNCTIONS." by inserting "THE PUBLIC SCHOOLS OF THIS STATE ARE ENCOURAGED TO INSTITUTE ANTI-TRUANCY INITIATIVE PROGRAMS THAT MAY INCLUDE ASSIGNING ATTENDANCE OFFICERS TO CHILDREN AFTER THEY HAVE MISSED FIVE DAYS OF SCHOOL AND REQUIRING PARENTS TO SIGN AN AGREEMENT TO GET THEIR CHILDREN BACK IN SCHOOL IF THEIR CHILDREN ARE TRUANT MORE THAN FIVE DAYS."

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Berryman requested the yeas and nays.

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

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

Roll Call No. 510

Yeas—15

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Koivisto

Miller
O'Brien
Peters
Smith, A.

Stallings
Vaughn
Young

Nays—19

Bennett
Bouchard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
McManus

North
Posthumus
Rogers
Schuette
Schwarz

Shugars
Steil
Stille
Van Regenmorter

Excused—1

Smith, V.

Not Voting—2

Bullard

Hoffman

In The Chair: Schwarz

The President, Lieutenant Governor Binsfeld, assumed the Chair.

Senator Peters offered the following amendment:

1. Amend page 1, line 3, after "FUNCTIONS." by inserting "THE PUBLIC SCHOOLS OF THIS STATE ARE ENCOURAGED TO PROVIDE TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT SO AS TO MAXIMIZE THE USE AND VALUE OF TECHNOLOGY IN THE CLASSROOM."

The question being on the adoption of the amendment,

Senator Berryman requested the yeas and nays.

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

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

The question being on the adoption of the amendment,
Senator DeGrow moved that further consideration of the bill be postponed for today.
The motion prevailed.

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise to speak in opposition to the Peters amendment. I need to comment here to try to provide a focus in terms of this discussion and debate. I'm trying to provide safety and security for kids that every parent in this state wants so when they go to a classroom it's a place of learning—it's not a place where violence or drugs are being sold. It's a place where kids can learn. That's really the whole purpose of the bill offered by Senator Steil, from the Grand Rapids area, and the series of bills that Senator Emmons pushed through the Education Committee this week. It's all about giving kids an opportunity to learn in an environment that's safe and secure.

No one objects to teacher development. No one objects to technology. No one objects to these other items that are being offered in terms of amendments, and I'm sure that Senator Emmons, who is so diligent on these education matters, will have hearings in each and every one of these. But, today, the legislation before the body went through the Education Committee and deals with how we first make sure we have an opportunity for kids to learn in a safe and secure environment. That's the point of the legislation before the Senate today. I want to make sure that when a child goes to school, when a parent drops a kid off at a bus stop or a school, the parent has the knowledge and safety of his children foremost in mind, and can go back home or go to work and know that "Okay, my child is going to learn in a safe environment." That's the point of the legislation today—safety for kids and having parents involved and knowing that their kids will be in a secure environment. I urge rejection of the amendment and support of the Steil bill.

Senator Bullard 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 10:48 a.m.

10:55 a.m.

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

During the recess, Senators Dingell and Posthumus introduced to the Senate guests from the American Council of Young Political Leaders and a Polish delegation, and presented them with Senate Concurrent Resolution No. 48.

A member of the delegation responded briefly.

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

The following bill was read a third time:

Senate Bill No. 689, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 1997 PA 93.

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. 511**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	Schuetten	

Nays—0**Excused—2**

Smith, V.

Steil

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Shugars' statement is as follows:

I rise in support of this bill on Third Reading and I want to summarize what this bill does. This bill enables the parents of a child who has been sexually assaulted or physically assaulted in school, on a campus or on a school bus that if they file with the local law enforcement agency, and if they file with the school that those parents will have the right to send their child to any school in the state of Michigan without any appeal to the state or to the local school board. What it does is to empower the parents of a victim of a terrible crime to have the right to send the child to a safe environment, a safe school where they believe that their child will not see the perpetrators of the criminal act that occurred at the other school, and it will enable them to have a good learning environment for their child. I urge my colleagues support.

Senators Bennett, Rogers, Gougeon, Cisky, Young, Hart, Van Regenmorter, North, Stille and Dunaskiss moved that they be named co-sponsors of the following bill:

Senate Bill No. 689

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 716, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

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. 512**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	Schuetten	

Nays—0**Excused—2**

Smith, V.	Steil
-----------	-------

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. 721, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

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. 513**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	Schuetten	

Nays—0**Excused—2**

Smith, V.	Steil
-----------	-------

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars and Gougeon moved that they be named co-sponsors of the following bill:

Senate Bill No. 721

The motion prevailed.

The following bill was read a third time:

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 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. 514**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	Schuetten	

Nays—0**Excused—2**

Smith, V.

Steil

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 664

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 72, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 504 (MCL 380.504), as amended by 1994 PA 416.

The question being on the passage of the bill,

Senator Conroy offered the following amendment:

1. Amend page 3, following line 27, by inserting:

"(7) IF THE FAMILY INDEPENDENCE AGENCY, DEPARTMENT OF CORRECTIONS, OR ANOTHER STATE DEPARTMENT OR AGENCY HAS CUSTODY OF OR JURISDICTION OVER A CHILD, THAT STATE DEPARTMENT OR AGENCY HAS THE LEGAL AND FINANCIAL OBLIGATION FOR EDUCATING THE CHILD."

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

Senator Berryman offered the following amendment:

1. Amend page 3, following line 27, by inserting:

"(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A RESIDENTIAL FACILITY CURRENTLY OR FORMERLY OPERATED BY OR UNDER CONTRACT WITH THE FAMILY INDEPENDENCE AGENCY SHALL NOT BE ISSUED A CONTRACT TO OPERATE AS A PUBLIC SCHOOL ACADEMY."

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Berryman requested the yeas and nays.

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

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

Roll Call No. 515

Yeas—14

Berryman
Byrum
Cherry
DeBeaussaert

Dingell
Hart
Koivisto
Miller

O'Brien
Peters
Smith, A.

Stallings
Vaughn
Young

Nays—21

Bennett
Bouchard
Bullard
Cisky
Conroy
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon

Hoffman
McManus
North
Posthumus
Rogers

Schuette
Schwarz
Shugars
Stille
Van Regenmorter

Excused—2

Smith, V.

Steil

Not Voting—0

In The Chair: President

Protest

Senator Emmons, under her constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator Berryman to Senate Bill No. 72.

Senator Emmons' statement is as follows:

I voted "no" on that amendment because I have no idea in the world whether the educational needs of the people in state institutions are being met. I trust the people that run those institutions to make the best choices, regardless of what it is, to get the education to the students that they have in their facilities regardless if they're criminals. I think that our Constitution does require a free education for everyone. I have seen no amendment that says "the kid got in trouble and now he doesn't deserve it anymore." I think that those institutions have the intelligence to deal with education so that it serves the students in the very best manner and I want to give them the choice to do it.

Senator A. Smith offered the following amendment:

1. Amend page 3, following line 27, by inserting:

“(8) IN ADDITION TO THE ENTITIES SPECIFIED IN SECTION 502(2), THE FAMILY DIVISION OF THE CIRCUIT COURT OF ONE OR MORE CIRCUITS MAY ACT AS AN AUTHORIZING BODY AND ISSUE A CONTRACT TO ORGANIZE AND OPERATE A PUBLIC SCHOOL ACADEMY UNDER THIS PART THAT LIMITS ENROLLMENT TO PUPILS DESCRIBED IN SUBSECTION (3)(A). A PUBLIC SCHOOL ACADEMY AUTHORIZED UNDER THIS SUBSECTION MAY BE RESIDENTIAL.”.

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

Senator Peters offered the following amendment:

1. Amend page 3, following line 27, by inserting:

“(9) TO IMPROVE THE PUBLIC ELEMENTARY AND SECONDARY SCHOOLS OF THIS STATE, PUBLIC SCHOOL ACADEMIES MAY BE ESTABLISHED WITHIN THIS STATE’S SYSTEM OF PUBLIC SCHOOLS, AS PROVIDED UNDER THIS PART, AS A MEANS OF ACHIEVING THE FOLLOWING PURPOSES:

(A) TO IMPROVE PUPIL ACHIEVEMENT FOR ALL PUPILS, INCLUDING, BUT NOT LIMITED TO, EDUCATIONALLY DISADVANTAGED PUPILS, BY IMPROVING THE LEARNING ENVIRONMENT.

(B) TO STIMULATE INNOVATIVE TEACHING METHODS.

(C) TO CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS IN A NEW TYPE OF PUBLIC SCHOOL IN WHICH THE SCHOOL STRUCTURE AND EDUCATIONAL PROGRAM CAN BE INNOVATIVELY DESIGNED AND MANAGED BY TEACHERS AT THE SCHOOL SITE LEVEL.

(D) TO ACHIEVE SCHOOL ACCOUNTABILITY FOR PUPIL EDUCATIONAL PERFORMANCE BY PLACING FULL RESPONSIBILITY FOR PERFORMANCE AT THE SCHOOL SITE LEVEL.

(E) TO PROVIDE PARENTS AND PUPILS WITH GREATER CHOICES AMONG PUBLIC SCHOOLS, BOTH WITHIN AND OUTSIDE THEIR EXISTING SCHOOL DISTRICTS.

(10) IN ADDITION TO THE MATTERS SPECIFIED IN SECTION 501A, THE REPORT REQUIRED UNDER SECTION 501A SHALL INCLUDE AN EVALUATION OF WHETHER PUBLIC SCHOOL ACADEMIES ARE FULFILLING THE PURPOSES SPECIFIED IN SUBSECTION (9).”.

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. 516

Yeas—32

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

Nays—3

O’Brien	Stallings	Vaughn
---------	-----------	--------

Excused—2

Smith, V.	Steil
-----------	-------

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. 642, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5502 (MCL 324.5502), as amended by 1995 PA 227.

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. 517

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	Schuetten	

Nays—0

Excused—2

Smith, V.

Steil

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. 634, entitled

A bill to amend 1990 PA 271, entitled “Limousine transportation act,” (MCL 257.1901 to 257.1939) by adding section 8.

The question being on the passage of the bill,

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

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

Roll Call No. 518

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	Schuetten	

Nays—0

Excused—2

Smith, V.

Steil

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Shugars, North, McManus, Hart, Bullard, O'Brien, Koivisto, DeBeaussiaert, Miller, Young, Bouchard and Stallings moved that they be named co-sponsors of the following bill:

Senate Bill No. 634

The motion prevailed.

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

The motion prevailed.

Senator Hart's statement is as follows:

I support both of these bills because the time has come to regulate the limousine industry. I was one of the many residents of Michigan who was appalled and saddened this summer by the terrible accident involving the Detroit Red Wings. The limousine industry has grown to become the favorite mode of recreational transportation for senior citizens on special occasions and for teenagers going to proms. It's only fair that we make sure that the safest drivers are behind the wheels.

I applaud Senator Bouchard and Senator Gougeon for their work on this issue. But I feel that more could be done to protect consumers. Personally, recently I've compiled information on limousine regulations from a survey of more than 50 states. As a consequence, Senator North has seen it in his wisdom to appoint both Senator Jon Cisky as well as myself as co-chairmen of a subcommittee on limousine regulations, and I thank you, Senator North.

The following bill was read a third time:

Senate Bill No. 684, 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. 519

Yeas—35

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussiaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Stallings
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—2

Smith, V.

Steil

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Gougeon, Shugars, Bennett, Hart, North, O'Brien, Stallings, Cisky, Bullard, DeBeaussaert, McManus and Young moved that they be named co-sponsors of the following bill:

Senate Bill No. 684

The motion prevailed.

The following bill was read a third time:

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 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. 520**Yeas—35**

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Stallings
Stille
Van Regenmorter
Vaughn
Young

Nays—0**Excused—2**

Smith, V.

Steil

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. 4025, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," (MCL 55.107 to 55.117) by adding section 112a.

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. 521**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—0**Excused—2**

Smith, V.	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 title of the bill.

The following bill was read a third time:

Senate Bill No. 73, entitled

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

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. 522**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—0**Excused—2**

Smith, V.	Steil
-----------	-------

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

Senate Bill No. 178

House Bill No. 4642

House Bill No. 4643

The motion prevailed.

Senate Bill No. 262, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," (MCL 483.1 to 483.11) by adding sections 2a and 2b.

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. 408, entitled

A bill to repeal 1941 PA 309, entitled "An act to give the state board of examiners of barbers jurisdiction to investigate trade practices among barbers, haircutters, barber and haircutting schools and colleges; to enforce such regulations pertaining to reasonable service charges and reasonable hours of operation of barber shops, haircutting shops, barber and haircutting schools and colleges as will tend to eliminate unfair and insanitary practices; fixing territorial units for such regulations; regulating barber schools, haircutting schools and colleges and practices therein; and repealing all acts and parts of acts in conflict herewith," (MCL 338.651 to 338.662).

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that the Committee on Judiciary be discharged from further consideration of the following bill:

Senate Bill No. 669, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 7 (MCL 28.725 and 28.727), section 7 as amended by 1996 PA 494.

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 bill be referred to the Committee on Families, Mental Health and Human Services.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

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

Senate Resolution No. 100

Senate Resolution No. 101

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 100.

A resolution to congratulate Edward Deeb on his 35th Anniversary as a business, community and civic leader.

Whereas, Edward Deeb has distinguished himself for 35 years in service to the food industry and the general business community. His career began after his graduation from Michigan State University and service in the U.S. Air Force and USAF Reserves in 1962; and

Whereas, Over the years, Mr. Deeb has been relied upon as the chief troubleshooter and spokesman for the food industry. He also spearheads the crisis intervention program if any problems should develop between merchants and residents; and

Whereas, Today, Ed Deeb is the president of the Michigan Food & Beverage Association, which represents more than 2,900 members, chairman of the Eastern Market Merchants Association with more than 190 businesses and farmers in the historic Eastern Market, and president of the Michigan Business & Professional Association with more than 9,400 members. Combined, his three business associations represent more than 12,000 businesses that employ over 60,000 persons; and

Whereas, Mr. Deeb has given unselfishly of his time, energy and talents to support and participate on numerous boards of various charitable and civic organizations, such as United Way Community Services, The Salvation Army, Boy Scouts of America, the Boys and Girls Clubs of Southeastern Michigan, Detroit Historical Society, Old Newsboys Goodfellows of Detroit, and the International Institute, to name just a few; and

Whereas, The annual Metro Detroit Youth Day, which Mr. Deeb co-founded in 1981 and coordinates, brings more than 15,000 youngsters to Belle Isle in Detroit. There are more than 700 volunteers to help supervise the various games, clinics and activities, with the help of more than 90 organizations and 200 sponsors; and

Whereas, Mr. Deeb, a strong supporter of programs involving our youth, was the founder of the Handicapped Scouting program for the Boy Scouts in 1986, which today has over 4,000 boys and girls participating in the program to give handicapped children the "Scouting Experience"; and

Whereas, Ed Deeb has received numerous awards and honors for his involvement in the community to help improve the quality of life for all, especially in community and business relations. Some include the Point of Light Award from President Bush and the Point of Light Foundation; the National Silver Beaver Award from the Boy Scouts; and induction into the Hall of Fame by the International Institute; and

Whereas, Ed and his lovely wife, Joanne, from Grosse Pointe Shores have raised two wonderful children, George and Jennifer. They support strong family values and respect for all individuals; now therefore, be it

Resolved by the Senate, That in recognition of Edward Deeb's 35th Anniversary as a business, community and civic leader, we acknowledge all of the positive contributions which he has made to business and industry, to the community, to the state of Michigan and to our nation, we hereby salute Mr. Edward Deeb in recognition of his efforts; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Edward Deeb in appreciation of his community service and the high esteem we have for him.

Senator Stallings was named co-sponsor of the resolution.

Senator Van Regenmorter offered the following resolution:

Senate Resolution No. 101.

A resolution to recognize October 23 through October 31, 1997, as Red Ribbon Week, sponsored in Michigan by Michigan Communities in Action for Drug-Free Youth.

Whereas, Cities across our nation have been plagued by the numerous problems associated with drug and alcohol abuse; and

Whereas, Local leaders in government and in the community know that their support of the people in the neighborhoods is the most effective weapon they can have in their efforts to reduce the demand for illegal drugs and drive away the suppliers of those drugs; and

Whereas, The National Red Ribbon Celebration has been established by the National Family Partnership to help create awareness of the drug problems facing every community, to develop parent and community teams to combat illegal drugs, and to promote drug-free lifestyles for America's youth; and

Whereas, October 23 through October 31, 1997, has been designated National Red Ribbon Week, with President Clinton, as Honorable National Chair of the celebration, calling all Americans to show their support for a drug-free nation by wearing a red ribbon during that week; now, therefore, be it

Resolved by the Senate, That the entire state of Michigan shall recognize October 23 through October 31, 1997, as Red Ribbon Week and join the rest of the nation in promoting the Red Ribbon Celebration and Drug-Free America; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Communities in Action for Drug-Free Youth, organizers of this observance, as evidence of our support.

Senators Young, Stille, Stallings, Schuette, Hoffman, Bouchard, Byrum and Shugars were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Van Regenmorter's statement is as follows:

I'd like to draw the members attention to Senate Resolution No. 101 and invite your co-sponsorship. Its purpose is to name October 23-31 as Red Ribbon Week. It's sponsored by the Michigan Communities in Action for Drug-Free Youth and it's specifically focused on giving attention to the problems of drugs and alcohol, particularly as they relate to our youth.

This resolution has a special meaning for a number of us in west Michigan—Senator Steil, Senator Posthumus, Senator Stille and others—because of a tragic crash just a few days ago in which a young father, Fred Markoski, his wife and the mother of their two children, Kris, and little 10-month son, Benjamin, were killed by a young driver, who with his friend was also killed—a total of five deaths in a crash that involved a blood alcohol level of .25 (two and a half times the legal limit). They bounced off a guard rail, crossed the median on a divided highway and hit the Markoski family mini-van head on. They didn't have a chance. That's a graphic, and frankly, all too common a result of drugs and alcohol. Those people who seem to be most likely to cause accidents, fatal accidents, after they have been drinking are those who are young people.

This is an opportunity to recognize the whole week the great risk to all of us that is posed when people drink and drive and to be a reminder not to do that. I hope you will join me in co-sponsoring Senate Resolution No. 101 and also that you will help celebrate Red Ribbon Week, October 23-31.

House Concurrent Resolution No. 53.

A concurrent resolution to urge the Governor to approve the designation of the Thunder Bay National Marine Sanctuary only if the federal program does not restrict recreational activities or the authority of the state or local units to regulate activities unrelated to the preservation of underwater cultural resources.

Whereas, In 1972, Congress authorized the National Marine Sanctuary Program to designate and manage areas of our marine environment with special scientific, historical, recreational, aesthetic, or cultural significance. The National Oceanic and Atmospheric Administration is considering the Thunder Bay area for designation in this program. Thunder Bay is an area with exceptional historical interest through the more than 160 shipwrecks already located there. This would be the first federal marine sanctuary in the Great Lakes; and

Whereas, The process of designating a National Marine Sanctuary includes review and communications with local citizens and officials. Following extensive review, the National Oceanic and Atmospheric Administration and the Governor must agree before final designation is made; and

Whereas, In considering the impact of sanctuary status, it is imperative that the designation not impose restrictions on activities in the waters of the sanctuary. People are concerned that the protections of the sanctuary may also include policies that have adverse economic results. Specifically, citizens and groups are worried about restrictions on fishing or other water-related activities. Federal actions to protect this area are very welcome, but only to the extent that the new designation does not interfere with tourism and the entire economy of the region; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Governor to approve the designation of the Thunder Bay National Marine Sanctuary only if the federal program does not restrict recreational activities or the authority of the state and local units to regulate activities unrelated to the preservation of underwater cultural resources; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

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 question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

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

House Concurrent Resolution No. 54.

A concurrent resolution to request the United States Army Corps of Engineers to restore and maintain the harbor of refuge at Grand Marais.

Whereas, The harbor at Grand Marais has long been a key contributor to the economic and recreational well-being of Alger County and neighboring communities. The harbor was built through the enactment of federal legislation in 1880 and 1950. Grand Marais is the only harbor of refuge for ninety miles of Lake Superior shoreline, an area with a history of shipwrecks. For many decades, since the time of the great lumber era in this part of the Upper Peninsula, Grand Marais has served the state well as a natural deep water harbor resource made more valuable by engineering; and

Whereas, A key feature of the harbor is the 5,700-foot timber-pile breakwater. This helped to maintain an appropriate depth of the navigation channel for many years. However, over the past forty years, the United States Army Corps of Engineers has effectively abandoned the harbor of refuge at Grand Marais. The timber-pile breakwater is deteriorating, and sand is accumulating and ruining the harbor's usefulness; and

Whereas, Officials, individual citizens, and commercial interests have long sought a recommitment to the harbor by the Army Corps of Engineers. A recent independent evaluation of the harbor has confirmed the dire need to strengthen and reestablish the timber-pile breakwater. The benefits reach far beyond the immediate Grand Marais area and would serve commercial and private vessels alike. To continue to ignore this problem is to abandon a genuine resource for our state. Given the proven value of the harbor over many years, this Grand Marais harbor of refuge must be repaired and maintained; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we request the United States Army Corps of Engineers to restore and maintain the harbor of refuge at Grand Marais; and be it further

Resolved, That copies of this resolution be transmitted to the U. S. Army Corps of Engineers.

The concurrent resolution was referred to the Committee on Marine Affairs and Port Development.

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 question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

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

Senators DeGrow and V. Smith offered the following resolution:

Senate Resolution No. 68.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That the Standing Rules of the Senate be hereby amended to read as follows:

“1.10 PRESIDING OFFICER

a) The Lieutenant Governor shall be the President of the Senate and shall preside over all sessions of the Senate or, in his or her absence, the President pro tempore, Assistant President pro tempore, or Associate President pro tempore shall preside.

b) The Lieutenant Governor may vote only when the Senators are equally divided in their vote (SEE Const. Art. 5, Sec. 25).

c) In the absence of the President of the Senate, President pro tempore, Assistant President pro tempore, or Associate President pro tempore, the Secretary of the Senate shall preside until the Senate shall appoint a Senator to act as presiding officer or until the President of the Senate, President pro tempore, Assistant President pro tempore, or Associate President pro tempore shall appear. In the absence of all, or all but one Senator, the Secretary of the Senate shall preside.

1.102 AUTHORITY OF THE PRESIDENT OF THE SENATE

a) The presiding officer shall call the Senate to order at the hours provided by the Constitution, by these rules, or at the hour established by the Senate at its last meeting.

b) UNLESS RULE 1.205 B) IS IN EFFECT, ~~Following~~ FOLLOWING the invocation, the presiding officer shall instruct the Secretary of the Senate to ~~open the electronic voting system, if operational, for one minute to record the roll~~ ATTENDANCE. THE ATTENDANCE SHALL BE TAKEN BY USING THE ELECTRONIC VOTING SYSTEM FOR ONE MINUTE. EXCEPT FOR THE FIRST SESSION IN JANUARY OR IF THE ELECTRONIC VOTING SYSTEM IS NOT OPERATIONAL, THE PRESIDING OFFICER SHALL INSTRUCT THE SECRETARY OF THE SENATE TO CALL THE ROLL ORALLY AND RECORD AND ANNOUNCE THE RESULTS.

1.103 THE PRESIDENT OF THE SENATE'S CONTROL WITHIN THE CHAMBER

The presiding officer shall preserve order and decorum and shall have general control within the Chamber. During every session of the Senate, the ~~Sergeant at Arms~~ SERGEANT AT ARMS is under the direct supervision of the

presiding officer. Every question of order and procedure shall be decided by the presiding officer, subject to an appeal by the Senate.

1.104 ELECTION OF SENATE OFFICERS

a) A President pro tempore, Assistant President pro tempore, and Associate President pro tempore shall be elected by a vote of a majority of the Senators elected and serving. They shall be elected at the first session of a quadrennium. All officers elected by the Senate are to hold office until their successors are elected and qualified or until the expiration of their term, whichever occurs first.

b) Prior to the commencement of the quadrennium session, the majority party shall meet in an organizational caucus and elect a Majority Leader, Majority Floor Leader, Majority Whip, Majority Caucus Chairperson, Assistant Majority Leader, Assistant Majority Floor Leader, Assistant Majority Whip, and Assistant Majority Caucus Chairperson. At a similar organizational caucus, the minority party shall elect a Minority Leader, Minority Floor Leader, Minority Whip, Minority Caucus Chairperson, Assistant Minority Leader, Assistant Minority Floor Leader, Assistant Minority Whip, and Assistant Minority Caucus Chairperson.

c) All majority party Senate Officers shall serve at the pleasure of the majority party caucus. All minority party Senate Officers shall serve at the pleasure of the minority party caucus.

d) All majority and minority caucuses shall be subject to the provisions of SECTION 8 OF the Open Meetings Act (SEE MCL 15.268).

1.105 APPOINTMENT OF COMMITTEES

a) The Senate Majority Leader shall appoint all committees except when the Senate shall otherwise order. Except for the Appropriations Committee, the Senate Majority Leader may appoint subcommittees of standing committees when some of the members of that subcommittee are not also members of that standing committee. Such subcommittees shall contain at least one majority member and one minority member who are members of that standing committee and shall have one more majority party member than minority party member. ~~These subcommittees shall be created for a period of time not to exceed 6 months.~~

b) The Senate Majority Leader shall make appointments of minority party members from a list submitted by the Senate Minority Leader, and shall consider the preferences, seniority, and experience of the members in making appointments. The Senate Majority Leader may accept the list submitted by the Senate Minority Leader in whole or in part. If the Senate Majority Leader rejects names on the list and their corresponding committee assignments, the Senate Minority Leader shall submit replacement nominations.

c) All appointments to standing, AND select, and interim committees and subcommittees appointed by the Senate Majority Leader shall be subject to the approval of the Senate given by a majority of the Senators elected and serving. All appointments to conference committees shall be effective upon appointment by the Senate Majority Leader until disapproved by the Senate given by a majority of the Senators elected and serving.

1.106 ELECTION OF A SECRETARY OF THE SENATE AND DUTIES

A Secretary of the Senate shall be elected as an officer of the Senate. The Secretary of the Senate shall take and subscribe to the Constitutional Oath of Office for the true and faithful discharge of the duties of office. THE SECRETARY OF THE SENATE IS RESPONSIBLE FOR THE CONSTITUTIONAL AND STATUTORY DUTIES OF THIS OFFICE AND IS ALSO AUTHORIZED TO SIGN PAPERS, FORMS, DOCUMENTS AND CONTRACTS ON BEHALF OF THE SENATE.

1.108 SENATE BROADCAST

THE SECRETARY OF THE SENATE, WITH THE CONCURRENCE OF THE SENATE MAJORITY LEADER, IS AUTHORIZED TO BROADCAST SENATE SESSION.

~~1.108~~ 1.109 SENATE JOURNALS

a) The Secretary of the Senate shall keep a correct Journal of each day's proceedings of the Senate, supervise its publication, and make corrections from day to day as may be necessary. ~~The Secretary of the Senate shall have copies of the daily Journal placed in the files of the President and Senators.~~ During the consideration and passage of appropriation bills, the Secretary of the Senate is authorized to correct totals that may have been affected by amendments made to items in the bill. The corrections shall be made in the bill and the Journal.

B) THE SECRETARY OF THE SENATE SHALL HAVE COPIES OF THE JOURNAL DISTRIBUTED TO THE OFFICES OF THE PRESIDENT OF THE SENATE AND SENATORS DAILY, AND SHALL MAKE COPIES AVAILABLE TO THE GENERAL PUBLIC.

C b) When the Senate goes into Executive Session, the proceedings of the Senate shall be kept in a separate Journal, which shall be open to inspection by Senators only, unless otherwise ordered. Such Journal shall be published after the close of the session, at the end of the regular Journals of the Senate proceedings, unless otherwise ordered BY THE SENATE.

~~1.109~~ 1.110 INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

a) All bills and joint resolutions to be introduced shall be submitted to the Secretary of the Senate TO BE AVAILABLE for introduction on the next succeeding session SENATE LEGISLATIVE day, and accompanied by 12 true copies. Once submitted to the Secretary of the Senate, all bills and joint resolutions become the property of the

Senate and cannot be withdrawn. Each bill, CONFERENCE REPORT, substitute bill and joint resolution shall be approved as to form and numbering of sections by the Legislative Service Bureau prior to being submitted for introduction. Bills and joint resolutions may be submitted for introduction during the interim between sessions.

b) Each Senate bill and joint resolution when introduced and each House bill and joint resolution when first received from the House shall be read a first and second time by title.

C) SENATORS MAY MOVE TO CO-SPONSOR A SENATE BILL OR SENATE JOINT RESOLUTION WHEN IT IS IN POSSESSION OF THE SENATE AND NOT IN A SENATE COMMITTEE. THE FIRST NAMED MEMBER IS THE SPONSOR. A SPONSOR OR CO-SPONSOR MAY MOVE TO REMOVE HIS OR HER NAME FROM A SENATE BILL OR SENATE JOINT RESOLUTION WHEN IT IS IN POSSESSION OF THE SENATE AND NOT IN A SENATE COMMITTEE, PROVIDED THAT AT LEAST ONE SENATOR REMAINS LISTED AS THE SPONSOR.

~~1.110~~ 1.111 NUMBERING, LETTERING AND PRINTING OF BILLS AND JOINT RESOLUTIONS

a) The Secretary of the Senate shall assign Senate bill numbers to all Senate bills in the order they are submitted for introduction. All joint resolutions shall be assigned letters in the order they are submitted for introduction.

b) The Secretary of the Senate shall attend to the printing or reproduction of all bills, joint resolutions, acts, or documents ordered printed or reproduced by the Senate. The heading of every bill and joint resolution ordered reproduced shall contain the number of the bill or letter of the joint resolution, name of the Senator or Senators introducing the bill or joint resolution, date of introduction, and the name of the committee to which the bill or joint resolution is referred (SEE Const. Art. 4, Sec. 26).

~~1.111~~ 1.112 ANNOUNCEMENT OF PRINTING AND ENROLLMENT OF BILLS AND JOINT RESOLUTIONS

The Secretary of the Senate shall ~~enter~~ PRINT in the Journal each day the number of all Senate and House bills AND LETTERS OF ALL JOINT RESOLUTIONS which have been printed or reproduced and ~~placed in the files of the~~ DISTRIBUTED TO THE OFFICES OF THE PRESIDENT OF THE SENATE AND Senators, and the numbers of the SENATE bills which have been enrolled and presented to the Governor.

~~1.112~~ 1.113 CARE AND PRESERVATION OF BILLS AND RESOLUTIONS

The Secretary of the Senate shall be responsible to the Senate for the care and preservation of every bill AND RESOLUTION introduced in the Senate and each bill AND RESOLUTION received from the House, which responsibility shall only be relieved by a receipt from an authorized person.

~~1.113~~ 1.114 ENROLLMENT OF BILLS AND PRESENTATION TO THE GOVERNOR

a) After a Senate bill has passed both Houses, the Secretary of the Senate shall attend to the enrollment printing. The Secretary of the Senate shall present the enrolled bill to the Governor, ~~taking~~ OBTAINING a receipt ~~therefor~~, on which the EXACT date and time shall be shown for the bill deposited in the Executive Office.

B) THE SECRETARY OF THE SENATE MAY BE AUTHORIZED BY A MOTION TO ENROLL A SENATE BILL WHILE THE SENATE IS NOT IN SESSION IF THAT BILL HAS PASSED BOTH HOUSES AND NO ACTION IS PENDING. THE SECRETARY OF THE SENATE SHALL NOTIFY THE SENATE OF SUCH ACTION ON THE NEXT SENATE LEGISLATIVE DAY.

C b) When a SENATE bill is approved by the Governor, the Secretary of the Senate shall obtain a receipt from the Governor's office verifying the exact date and time the bill was filed with the Secretary of State. At the end of each year, the Secretary of the Senate shall deposit with the Secretary of State the official printed copy of the SENATE bill as passed BY both Houses and ~~take~~ OBTAIN A receipt ~~therefor~~.

~~1.114~~ 1.115 ENROLLMENT OF JOINT RESOLUTIONS

a) After a Senate joint resolution has been adopted by both houses, the Secretary of the Senate shall attend to the enrollment printing. The Secretary of the Senate shall certify and file the enrolled joint resolution with the Secretary of State and others as directed by the joint resolution.

B) THE SECRETARY OF THE SENATE MAY BE AUTHORIZED BY A MOTION TO ENROLL A SENATE JOINT RESOLUTION WHILE THE SENATE IS NOT IN SESSION IF THAT JOINT RESOLUTION HAS BEEN ADOPTED BY BOTH HOUSES AND NO ACTION IS PENDING. THE SECRETARY OF THE SENATE SHALL NOTIFY THE SENATE OF SUCH ACTION ON THE NEXT SENATE LEGISLATIVE DAY.

C b) When filing ~~the~~ AN enrolled SENATE joint resolution with the Secretary of State, the Secretary of the Senate shall obtain a receipt verifying the exact date and time filed. At the end of each year, the Secretary of the Senate shall deposit with the Secretary of State the official printed copy of the SENATE joint resolution and ~~take~~ OBTAIN A receipt ~~therefor~~.

~~1.115~~ 1.116 BILL AND RESOLUTION HISTORY

The Secretary of the Senate shall keep a record and index of all bills AND RESOLUTIONS received by the Senate. This record shall include the title, bill OR RESOLUTION number, JOINT RESOLUTION LETTER, name of the Senator or Senators introducing the bill OR RESOLUTION, name of the committee to which the bill OR RESOLUTION is referred, and an entry of all action, including the date, taken on the bill OR RESOLUTION.

~~1.116~~ 1.117 SENATE ADMINISTRATION AND OFFICE BUDGETS

a) The Senate Majority Leader shall assign duties to Senate employees not specified by other rules, and shall approve all expenses for the operation of the Senate, except as provided by law.

b) In the absence of the Senate Majority Leader, the Assistant Majority Leader shall assume the duties and responsibilities of the Senate Majority Leader.

c) The Secretary of the Senate, SHALL CREATE A BUDGET with the concurrence of the Senate Majority Leader, ~~and following discussions~~ DISCUSS IT with the Senate Minority Leader, ~~shall present a detailed budget~~ AND PRESENT IT to the Committee on Appropriations at the beginning of each budget year. The form of the budget shall parallel, as closely as practical, the departmental budgets presented to the Committee on Appropriations.

d) The Senate financial records shall be open for public inspection. Upon a request which describes the financial record sufficiently to enable the Senate to find the financial record, a person has a right to inspect, copy, or receive copies of that financial record of the Senate. Documents shall be available for inspection during normal business hours. The Secretary of the Senate shall keep a record of these requests. A copy of the Senate financial records shall be on file with the Secretary of the Senate, who shall have overall authority to administer the Senate financial records under the direction of the Senate Majority Leader. The Secretary of the Senate shall provide to each Senator access to information regarding the status of the Senator's staff account, office operations account, and committee operations account for any standing committee that he or she chairs. The Senate Majority Leader shall have access to the reports for the accounts of all Senators.

1) When the Senate receives a written request for a public record it shall immediately, but not more than 5 business days after the day the request is received unless otherwise agreed to in writing by the person making the request, respond to the request by 1 of the following:

A) Grant the request.

B) Issue a written notice to the requesting person denying the request.

C) Grant the request in part and issue a written notice to the requesting person denying the request in part.

D) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Senate shall respond to the request. The Senate shall not issue more than 1 notice of extension for a particular request.

If the Senate fails to respond to the written request within these guidelines, there will be a fine of \$250 and all Senate copying and inspection fees shall be waived.

2) As used in this section, "financial record" means a budget, account, contract, purchase order, an expenditure authorization, voucher, check, warrant, lease, audit report, balance sheet, travel voucher, or other such summaries of financial transactions.

The following information contained in Senate financial records is exempt from disclosure under this rule:

A) Information of a personal nature contained in financial records where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy is exempt from disclosure under this rule. Such information would include, but not be limited to, the following:

(i) An employee's social security account number, financial institution record, electronic transfer fund number, deferred compensation, savings bonds, W-2 and W-4 forms, and any court enforced judgment.

(ii) An employee's benefit selection.

(iii) Telephone bill detail including the telephone number and name of individual called.

(iv) Unemployment compensation and workers' disability compensation records.

B) Records and information specifically described and exempted from disclosure under statute or subject to attorney-client privilege.

C) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.

D) Commercial or financial information or trade secrets voluntarily provided to the Senate for use in developing government policy if submitted upon a promise of confidentiality by the Senate.

E) Communications, notes, and electronic data within the Senate or between the Senate and other public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to the final Senate determination of policy or action.

3) The Senate may charge a reasonable fee for providing a copy of a financial record. The fee shall be limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

4) The Senate may also charge a reasonable fee for providing for the inspection of financial records. This fee may include the actual incremental cost of supervising the inspection including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

The Senate may adopt any such other rules and policies as are necessary to provide for the orderly dissemination of materials to the public.

e) Each Senator shall be allotted separate budget amounts for the annual staff account and the annual office operations account, as determined by the Senate Majority Leader, to be used on a fiscal year basis. Each standing committee chairperson shall be allotted a separate budget amount for the annual committee operations account, as determined by the Senate Majority Leader. The amounts allocated to these accounts may be adjusted for all Senate

offices by the Senate Majority Leader. Any unused amount in a fiscal year shall not be carried into the succeeding year. A Senator shall not exceed the annual limits for each of these accounts without approval of the Senate Majority Leader.

f) The Senate Majority Leader shall establish guidelines to allow Senators to transfer a limited amount of funds between their own staff account and their office operations account.

g) The Secretary of the Senate shall exercise supervisory care and control of the Senate Chamber, all Senate rooms, corridors, furniture, and equipment. Upon approval of the Senate Majority Leader, the Secretary of the Senate shall purchase all necessary furniture, carpet, equipment, postage, supplies, and services for use by the Senate.

h) The Secretary of the Senate shall install and maintain any electro-mechanical equipment approved for use by the Senate.

i) The Secretary of the Senate shall have responsibility for the development and maintenance of a system for preserving records of the Senate and its committees. The Secretary of the Senate shall issue guidelines for the organization and preservation of these records.

j) The Secretary of the Senate shall be responsible for keeping the Senate seal and for affixing the Senate seal to official Senate documents, as authorized by the Senate Majority Leader. The Senate seal shall be comprised of the coat of arms of the State of Michigan encompassed by the words: "Senate - State of Michigan".

k) The Secretary of the Senate shall maintain a schedule of Senate committee rooms.

l) The Secretary of the Senate shall make and maintain an official tape of all sessions of the Senate. Copies of the official tape shall be made only upon application approved by the Senate Majority Leader. All official tapes of the Senate sessions shall be transferred to the State Archives four years following the end of each biennial session of the Senate.

~~1.117~~ 1.118 SECRETARY OF THE SENATE'S STAFF

With the approval of the Senate Majority Leader, the Secretary of the Senate shall appoint a staff to conduct the business of the Senate.

~~1.118~~ 1.119 DUTIES OF THE ~~SERGEANT AT ARMS~~ SERGEANT AT ARMS

a) The ~~Sergeant at Arms~~ SERGEANT AT ARMS shall be the chief security officer of the Senate. Under the direction of the Senate Majority Leader, the Secretary of the Senate shall supervise and direct the work of the ~~Sergeant at Arms~~ SERGEANT AT ARMS, Assistant ~~Sergeants at Arms~~ SERGEANT AT ARMS, and Pages.

b) The ~~Sergeant at Arms~~ SERGEANT AT ARMS shall attend the Senate during its sessions and maintain order under the direction of the presiding officer. The ~~Sergeant at Arms~~ SERGEANT AT ARMS shall execute the commands of the presiding officer and of the Senate, and all processes issued by authority thereof.

c) The ~~Sergeant at Arms~~ SERGEANT AT ARMS shall have general charge, and maintain order, in the gallery, Chamber, and committee rooms of the Senate. The ~~Sergeant at Arms~~ SERGEANT AT ARMS shall see that all staff and visitors are seated.

~~1.119~~ 1.120 EXECUTIVE SESSION

On a motion made and carried that the Senate go into executive session, the presiding officer shall direct all persons, except Senators, the Secretary of the Senate, and personnel as authorized by the Senate, to withdraw. THE VOTE OF A MAJORITY OF THE SENATORS VOTING SHALL BE REQUIRED ON A MOTION FOR EXECUTIVE SESSION, EXCEPT FOR EXECUTIVE SESSIONS CALLED UNDER RULE 2.104. During an executive session, the doors shall remain closed and every Senator and officer shall keep confidential all proceedings and matters enjoined by order of the Senate (SEE CONST. ART. 4, SEC. 20).

1.201 OATH OF OFFICE

The oath of office to Senators-elect shall be administered following the November general election up to and including the first day of regular session, or as soon thereafter as a Senator-elect may appear. The oath shall be administered by the Lieutenant Governor, a Justice of the Supreme Court, a Judge of the Court of Appeals, or the Secretary of the Senate (SEE CONST. ART 11, SEC. 1).

1.202 CONTESTED ELECTIONS

a) A PETITION FOR A RECOUNT SHALL BE FILED NOT LATER THAN 48 HOURS FOLLOWING THE COMPLETION OF THE CANVASS OF THE VOTES CAST AT AN ELECTION. ~~In cases of contested elections, notice~~ A COPY OF THE PETITION ~~setting forth the grounds of the contest~~ shall be given by the contestant to the Secretary of the Senate (SEE MCL 168.879). ~~not later than the January 7 following the general election, or not later than 20 days after the special election. Questions arising from election contests shall be decided by a vote of a majority of the Senators elected and serving.~~ NOTICE OF RECEIPT OF THE PETITIONS SHALL BE ANNOUNCED BY THE SECRETARY OF THE SENATE AND PRINTED IN THE JOURNAL.

b) Each contestant requesting a recount shall deposit with the Secretary of ~~the Senate~~ STATE, BUREAU OF ELECTIONS, the amount provided by law for each precinct in which he or she has requested a recount (SEE MCL 168.881). ~~If the Senate refuses the recount, the deposits shall be returned or, if a contestant is seated after a recount, his or her deposit shall be returned. In any other case, the money shall be paid into the general fund.~~

c) UPON COMPLETION OF A RECOUNT, THE BOARD OF STATE CANVASSERS SHALL FORWARD A REPORT OF THE RESULTS TO THE SECRETARY OF THE SENATE AND THE REPORT SHALL BE ANNOUNCED BY THE SECRETARY OF THE SENATE AND PRINTED IN THE JOURNAL (SEE MCL 168.879).

D) IN THE CASE OF TWO OR MORE PERSONS HAVING EQUAL AND THE HIGHEST NUMBER OF VOTES FOR ANY OFFICE, AS CANVASSSED BY THE BOARD OF STATE CANVASSERS, THE BOARD OF STATE CANVASSERS SHALL CERTIFY THE RESULT OF THE CANVASS TO THE LEGISLATURE AND IN JOINT CONVENTION THE LEGISLATURE SHALL CHOOSE ONE OF SAID PERSONS TO FILL THE OFFICE. WHEN THE DETERMINATION OF THE BOARD OF STATE CANVASSERS IS CONTESTED, THE LEGISLATURE IN JOINT CONVENTION SHALL DECIDE WHICH PERSON IS ELECTED (SEE MCL 168.846).

1.203 PROCEDURE FOR EXCLUSION

A) A Senator-elect shall not be given the oath of office or seated as a Senator if he or she has been convicted of subversion or has, within the preceding 20 years, been convicted of a felony involving breach of the public trust (SEE Const. Art. 4, Sec. 7). Upon finding by a majority vote of the Senators elected and serving that a Senator-elect has committed an offense within the provisions of this rule, he or she shall be declared to be unqualified for membership in the Senate and his or her office declared vacant.

B) QUESTIONS ARISING FROM CHALLENGES TO THE ELECTIONS OR RETURNS OF ITS MEMBERS SHALL BE DECIDED BY A VOTE OF A MAJORITY OF THE SENATORS ELECTED AND SERVING (SEE CONST. ART. 4, SEC. 16). IN CASES OF CONTESTED ELECTIONS OR RETURNS, NOTICE SETTING FORTH THE GROUNDS OF THE CONTEST SHALL BE GIVEN BY THE CONTESTANT TO THE SECRETARY OF THE SENATE NOT LATER THAN JANUARY 7 FOLLOWING THE GENERAL ELECTION, OR NOT LATER THAN 20 DAYS FOLLOWING THE SPECIAL ELECTION.

C) THE SENATE, WITH CONCURRENCE OF TWO-THIRDS OF ITS MEMBERS ELECTED AND SERVING, MAY EXPEL A MEMBER. THE REASONS FOR SUCH EXPULSION SHALL BE PRINTED IN THE JOURNAL (SEE Const. Art. 4, Sec. 16).

1.204 EXCUSED ABSENCE

The Senate may excuse any Senator from attendance for any stated period, and the excused absence shall be ~~entered~~ PRINTED in the Journal. The Senate may revoke an excuse at any time.

1.205 SENATORS DEEMED PRESENT UNLESS EXCUSED

a) A Senator who answers an attendance roll call or who enters after an attendance roll call and reports his or her presence to the Secretary of the Senate shall be considered present thereafter unless an excused absence is granted.

b) A Senator may be recognized prior to the INVOCATION AND THE attendance roll call only for the purpose of presenting a motion to adjourn. Should such a motion to adjourn prevail, there shall be no official INVOCATION AND attendance roll call for that day.

1.208 EXPENSE REIMBURSEMENT

Expense reimbursement for travel, lodging, meals, registration fees, and related items shall be made in accordance with an established set of regulations as ~~predetermined~~ DETERMINED and ~~prepublished~~ PUBLISHED by the Senate Majority Leader. The regulations shall set forth the guidelines for amounts, methods of payment, and time of payment for such items. When, in the judgment of the Senate Majority Leader, the regulations need revision, the Senate Majority Leader may make the revision upon 15-day notice to all Senators. The regulations shall include the following:

a) Out-of-state expenses of a Senator, or Senate employee, shall not be paid by the Senate unless a WRITTEN request is filed in writing with the Secretary of the Senate and approved by the committee chairperson, if applicable, HAS BEEN APPROVED BY THE PARTIES SPECIFIED IN THE REGULATIONS and BY the Senate Majority Leader, AND HAS BEEN FILED WITH THE SECRETARY OF THE SENATE prior to departure.

b) The request shall state the purpose for making the trip, the relevance of the trip to legislative matters, and an estimate of the cost.

c) A Senator, or Senate employee, shall file a written and signed post-travel report with the Secretary of the Senate not more than 20 calendar days after returning. These reports shall be retained by the Secretary of the Senate until no longer required by law. If a report is not filed within 20 calendar days after returning, expenses ~~shall~~ MAY not be reimbursed by the Senate. Senate funds received in advance of departure shall be returned in full if the report is not filed within 20 calendar days after returning. The report shall include a summary of the relevant legislative information, material pertinent thereto, and itemized expenditures.

d) An expenditure for travel by a Senator, or Senate employee, shall not be paid by the Senate unless that expenditure is itemized and receipted (except in cases in which receipts are not ordinarily provided).

e) Expenses for out-of-state travel by Senators shall be ~~entered~~ PRINTED in the Journal on a quarterly basis.

f) A Senator, or an employee of a Senator, shall not incur out-of-state travel expenses after the Senator is defeated in a Senate primary or general election, or upon the failure of the Senator to file for election while serving the balance of his or her unexpired term, unless approved by the Senate Majority Leader.

1.302 ATTENDANCE AND VOTING

Every Senator ~~shall~~ IS EXPECTED TO vote on each roll call vote, unless absent or prohibited from voting by Rule 1.306. A SENATOR WHO MISSES A ROLL CALL VOTE MAY REQUEST THAT A STATEMENT BE PRINTED IN THE SENATE JOURNAL REFLECTING HOW HE OR SHE WOULD HAVE VOTED.

1.306 DISCLOSURE AND DISQUALIFICATION

A Senator having a personal, private, or professional interest in a bill, of which he or she has knowledge, shall not vote on the bill and shall disclose in writing his or her interest in the bill. A personal, private, or professional interest in a bill is an interest that would provide a benefit particular to a Senator or a benefit particular to any individual or entity to whom the Senator is financially or legally obligated or is personally related. The disclosure shall be filed with the Secretary of the Senate to be ~~entered~~ PRINTED in the Journal immediately following the record of the vote on the bill. If a Senator votes on a bill that might appear at the time of the vote to provide a benefit particular to that Senator or a benefit particular to any individual or entity to whom the Senator is financially or legally obligated or is personally related, a Senator may submit a statement explaining his or her reasons for voting. The statement shall be ~~entered~~ PRINTED in the Journal.

1.309 ADVISORY OPINIONS

All questions relating to the interpretation and enforcement of these rules concerning legislative conduct and ethics shall be referred to the Committee on Government Operations. A Senator who has a question regarding legislative conduct and ethics may submit a factual situation to the Committee on Government Operations with a request for an advisory opinion establishing the standard of public duty. The Committee shall respond to each inquiry. All opinions shall, after hearing, be numbered, dated, and ~~entered~~ PRINTED in the Journal. No opinion shall identify the requesting Senator without his or her consent.

2.101 AUTHORIZATION FOR STANDING COMMITTEES

Permanent standing committees, when created by rule of the Senate, shall exist and function both during and between sessions (SEE MCL 4.221).

2.102 POWERS AND RESPONSIBILITIES OF COMMITTEES

a) Any Senator, while acting as a member of a committee, shall have authority to administer oaths to such persons as shall be examined before the committee of which he or she is a member (SEE MCL 4.85).

b) Any committee may, by resolution of the Senate, be authorized to administer oaths, subpoena witnesses, and examine the books and records of any persons, partnerships, or corporations involved in a matter properly before any committee (SEE MCL 4.101).

c) Any witness, or attorney representing a witness, may be punished for contempt by the Legislature (SEE MCL 4.82 AND 4.101), UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES ~~if~~:

1) During a committee investigation and pursuant to a committee subpoena, he or she:

a) Refuses to be sworn or testify, or

b) Fails on demand to produce any papers, books, or documents ~~touching~~ IN REGARDS TO any matter under investigation, or

c) Otherwise neglects or refuses to obey the committee subpoena.

2) He or she is guilty of ~~contempt, meaning a deliberate interference~~ DELIBERATELY INTERFERING with the duties and powers of the Legislature ; while in attendance at a committee hearing.

d) Contempt of the Legislature shall be punishable as provided by law (SEE MCL 4.82 and 4.83).

2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Agriculture and Forestry (5 members)

Appropriations (13 members)

Economic Development, International Trade and Regulatory Affairs (5 members)

Education (5 members)

Families, Mental Health and Human Services (5 members)

Finance (5 members)

Financial Services (5 members)

Gaming and Casino Oversight (5 members)

Government Operations (5 members)

Health Policy and Senior Citizens (5 members)

Human Resources, Labor and Veterans Affairs (5 members)

Judiciary (7 members)

Local, Urban and State Affairs (5 members)

Natural Resources and Environmental Affairs (5 members)

Technology and Energy (5 members)

Transportation and Tourism (5 members)

Statutory standing committees:

Administrative Rules (5 members) (SEE MCL 24.235)

Legislative Council (6 members and 3 alternates) (SEE MCL ~~4.313~~ 4.1103)

Legislative Retirement Board of Trustees (4 members) (SEE MCL 38.1026)

Michigan Capitol Committee (4 members) (SEE MCL 4.1701)

2.104 COMMITTEE ON GOVERNMENT OPERATIONS

a) All appointments to office submitted by the Governor, and any other executive business, shall be referred to the Committee on Government Operations. No appointment shall be voted upon until it has been printed in the Journal.

1) ANY APPOINTMENT NOT DISAPPROVED WITHIN 60 SESSION DAYS AFTER RECEIPT SHALL STAND CONFIRMED (SEE CONST. ART. 5, SEC. 6). ~~All appointments shall be considered in open session, unless a majority of the Senators voting thereon shall vote in favor of an executive session.~~

2) On all appointments to office reported favorably, the question shall be on advising and consenting to the appointment. On all appointments reported unfavorably or without recommendation, the question shall be on the disapproval of the appointment.

3) The vote of a majority of the Senators elected and serving shall be required to approve or disapprove any appointment to office submitted by the Governor. ANY APPOINTMENTS CONSIDERED BY THE SENATE SHALL BE IN OPEN SESSION, UNLESS A MAJORITY OF THE SENATORS ELECTED AND SERVING SHALL VOTE IN FAVOR OF AN EXECUTIVE SESSION. ~~Any appointment not disapproved within 60 Senate session days after receipt shall stand (Const. Art. 5, Sec. 6).~~

b) If an appointment is made at a time ~~such that~~ WHEN THE 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader ~~or Senate Minority Leader~~ may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. The Senate Majority Leader ~~or Senate Minority Leader~~ shall notify the Secretary of the Senate at least ~~ten~~ 10 calendar days prior to the date of the scheduled session. The Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

C) EXECUTIVE ORDERS ISSUED BY THE GOVERNOR DEALING WITH MATTERS OF EXECUTIVE REORGANIZATION SHALL BE REFERRED TO THE COMMITTEE ON GOVERNMENT OPERATIONS. ANY EXECUTIVE ORDER DEALING WITH MATTERS OF EXECUTIVE REORGANIZATION NOT DISAPPROVED WITHIN 60 CALENDAR DAYS OF A REGULAR SESSION, OR A FULL REGULAR SESSION IF OF SHORTER DURATION, AFTER RECEIPT SHALL STAND. UNLESS DISAPPROVED IN BOTH HOUSES BY A RESOLUTION CONCURRED IN BY A MAJORITY OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE, THE EXECUTIVE ORDER SHALL BECOME EFFECTIVE AT A DATE THEREAFTER TO BE DESIGNATED BY THE GOVERNOR (SEE CONST. ART. 5, SEC. 2).

D) EXECUTIVE ORDERS DEALING WITH MATTERS OF APPROPRIATIONS OR EXPENDITURE REDUCTIONS SHALL BE REFERRED TO THE COMMITTEE ON APPROPRIATIONS (SEE MCL 18.1391).

2.106 CALLING OF A COMMITTEE

It shall be the duty of any committee to meet at the call of the chairperson, or on the written request of a majority of the members of the committee. The call or request must contain the date, time, and place of the meeting. No committee of any status shall sit during a session of the Senate, EXCEPT DURING RECESS, unless leave is granted by the Senate. No committee shall use the Senate Chamber for a public hearing during any regular or special session of the Legislature.

2.107 NOTICE OF MEETINGS AND PUBLIC HEARINGS

a) A committee may hold a meeting or public hearing on any issue relevant to the subject matter of the committee. Notice of the meeting or hearing, its subject, date, time, and place, shall be given in writing to the Secretary of the Senate who shall ~~publish~~ PRINT it in the Journal and on the Senate calendar and post it where appropriate (SEE Const. Art. 4, Sec. 17). Oral notice of the meeting or public hearing may be given to the Senate during a session by the chairperson, or a member, of the committee holding the meeting or public hearing.

b) Notice of all committee meetings and public hearings shall comply with the Michigan Open Meetings Act (SEE MCL 15.261-275).

2.108 COMMITTEE STAFFING

In addition to the allocation for staff as provided in Rule ~~1.116(e)~~ 1.117(e), the committee chairperson may appoint additional committee personnel as authorized by the Senate Majority Leader. The Senate Majority Leader may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.109 COMMITTEE EXPENSES

No committee may receive reimbursement for expenses unless authorized by the Senate Majority Leader. A report of committee expenses, prepared by the chairperson and the Secretary of the Senate from the documents on file in the Secretary of the Senate's office and approved by the chairperson, shall be filed quarterly with the Secretary of the Senate. The report shall include the date, payee, amount, and purpose of the expenditure. The Secretary of the Senate shall ~~enter~~ PRINT in the Journal that the expense report is on file and open for public inspection.

2.201 COMMITTEE QUORUM

A quorum of a committee is a majority of the committee. The ~~concurrence~~ AFFIRMATIVE VOTE of a majority of the committee members serving is required to report any matter to the Senate. A member must ~~actually~~ be present ~~when~~ AT THE TIME a roll call is taken for his or her vote to count toward the required majority concurrence.

2.202 COMMITTEE RECORDS

a) Each committee chairperson shall keep ~~an action journal~~ A RECORD OF ITS PROCEEDINGS, ~~recording~~ INCLUDING the date and time of each meeting, the committee members present and absent, and all action on bills and resolutions in the committee with the names and votes of members (SEE CONST. ART. 4, SEC. 17). A member of the committee wishing to explain his or her vote may file a written explanation with the clerk of the committee within two legislative days after the vote is taken, which explanation shall be attached to the ~~action journal~~ MINUTES. All ~~action journals~~ MINUTES shall be available for public inspection during reasonable business hours. The committee ~~action journal~~ RECORD OF ITS PROCEEDINGS shall be transmitted BIENNIALY to the Secretary of the Senate within 30 days of the final adjournment of the Legislature. The Secretary of the Senate shall be responsible for the storage of the committee ~~action journals~~ MINUTES AND RECORDS OF ITS PROCEEDINGS, which shall be available for public inspection upon request.

b) The chairperson of each committee shall keep the committee files, recordings, tapes, records, memoranda, or written documents in storage cabinets which are separate from his or her legislative records. The chairperson shall provide the Secretary of the Senate with the identification numbers of the storage cabinets containing the committee records. The Secretary of the Senate shall tag the designated storage cabinets and maintain a record of this information.

2.203 COMMITTEE REPORTS

a) All committees shall file a report of their activities following each meeting. All reports shall be submitted on a form prescribed and furnished by the Secretary of the Senate. The reports shall include the date, time, and place of the committee meeting, the members in attendance, the vote of each committee member on any bill, resolution, or other business, and the committee's recommendation on immediate effect for any bill and shall be submitted to the Secretary of the Senate. The committee recommendation for immediate effect shall be considered on House bills at the time of Senate passage and on Senate bills upon their return from the House. ALL COMMITTEES ~~Subcommittees~~ shall submit an attendance report to the Secretary of the Senate within two Senate legislative days of the ~~subcommittee~~ COMMITTEE meeting. The Secretary of the Senate shall cause all committee reports and ~~subcommittee~~ attendance reports to be ~~entered~~ PRINTED in the Journal.

b) EXCEPT FOR A COMMITTEE REPORT RECOMMENDING A SUBSTITUTE, ~~Any~~ ANY bill, resolution, or other business reported out of any committee shall be filed with the Secretary of the Senate as soon as possible and not later than 4:00 p.m. on the next calendar day (excluding weekends and holidays). ~~except a~~ A committee report recommending a substitute shall be filed not later than 4:00 p.m. on the second calendar day (excluding weekends and holidays). The Secretary of the Senate shall have the authority to retrieve any report not filed by these deadlines.

~~c) All resolutions reported from committee shall be placed on the order of resolutions and laid over one day.~~

C) ~~4)~~ If a bill, joint resolution or other business is reported back to the Senate with the recommendation that it be referred to a second committee, the reported bill, joint resolution or other business, and any amendments, shall be referred to that committee in accordance with Rule 3.106.

D) ~~e)~~ All business not reported by a committee shall be returned to the Secretary of the Senate at the conclusion of each biennium.

2.205 MANUAL OF COMMITTEE PROCEDURE

The rules of parliamentary law and practice in THE MOST RECENT EDITION OF Mason's "Manual of Legislative Procedure" shall govern committee procedure in all cases except when they are inconsistent with the standing rules and published precedents of the Senate and its committees.

3.102 ORDER OF BUSINESS

The order of business of the Senate shall be as follows:

1. Call to Order
2. Invocation
3. Roll Call
4. Motions and Communications
5. Messages from the Governor
6. Messages from the House
7. Conference Reports
8. Third Reading of Bills
9. General Orders ~~of the Day~~
10. RESOLUTIONS
- ~~10-~~ 11. Introduction and Referral of Bills
- ~~11-~~ 12. ~~Resolutions~~ STATEMENTS
- ~~12-~~ 13. Adjournment

3.104 ROUTINE BUSINESS QUORUM OF THE SENATE

A) A MAJORITY OF SENATORS ELECTED AND SERVING SHALL CONSTITUTE A QUORUM (SEE CONST. ART. 4, SEC. 14).

B) Routine business on which no vote of the Senate is required may be disposed of on any day, with or without a quorum present, and proper entries ~~thereof~~ shall be ~~made~~ PRINTED in the Journal.

C) IN THE ABSENCE OF A QUORUM, A MOTION IS IN ORDER TO ORDER A CALL OF THE SENATE, RECESS OR ADJOURN.

3.105 COMMUNICATIONS TO THE SENATE

The Secretary of the Senate shall compile official communications received by the Senate and shall make them available to all Senators. The presiding officer shall refer all communications which are informational only, to the Secretary of the Senate in one order for their publication PRINTING in the Senate Journal.

3.106 COMMITTEE REPORTS ON THE CALENDAR

a) All committee reports in the possession of the Secretary of the Senate ~~by 4:00 p.m. of the working day prior to a scheduled session~~ shall be placed on the Senate calendar UNDER THE HEADING OF COMMITTEE REPORTS. ~~and the THE Senate calendar shall be closed for printing AT 4:00 P.M. ON TUESDAY, WEDNESDAY AND FRIDAY. If a Monday session is not scheduled, and Senate committee meetings are not scheduled on Friday, Saturday, or Sunday, the Senate calendar for a Tuesday session shall be closed for printing at 4:00 p.m. on Friday. If a Monday session is not scheduled, but~~ IF a Senate committee is scheduled to meet on a Friday, Saturday, or Sunday, the Senate calendar for a Tuesday session shall be closed for printing at ~~9:00~~ 9:30 a.m. on Monday. IF THERE IS A FRIDAY SESSION, THE CALENDAR SHALL BE CLOSED AT 4:00 P.M. ON THURSDAY. IF MONDAY IS A STATE HOLIDAY, THE SENATE CALENDAR FOR TUESDAY SHALL BE CLOSED FOR PRINTING ON FRIDAY AT 12:00 NOON.

b) A Senator may object to ~~the validity of~~ a committee report ON THE BASIS OF ITS SUFFICIENCY OR PROPER AUTHORIZATION. ~~and the~~ THE presiding officer shall place the objection before the Senate for its decision.

c) All committee reports shall be laid over one day. After one session day a committee report shall be considered accepted and the item shall be referred as appropriate.

3.201 FIVE DAYS' POSSESSION

No bill shall be passed or become law at any regular session of the Legislature until it has been printed or reproduced and in possession of the Senate for at least five days (SEE Const. Art. 4, Sec. 26).

3.203 REFERENCE REFERRAL OF BILLS AND JOINT RESOLUTIONS

a) The Senate Majority Leader shall refer all bills and joint resolutions to a standing committee no later than one Senate legislative day after being submitted to the Secretary of the Senate. The presiding officer shall announce the reference of all bills and joint resolutions.

b) The Senate Majority Leader may change the original referral of a bill or joint resolution BY ORAL NOTICE TO THE SENATE OR WRITTEN COMMUNICATION SUBMITTED TO THE SECRETARY OF THE SENATE before the end of session on the next Senate legislative day following the day of the original referral. NOTICES OF THE WRITTEN COMMUNICATION SHALL BE ANNOUNCED BY THE SECRETARY OF THE SENATE DURING SESSION AND BOTH ORAL AND WRITTEN NOTIFICATIONS SHALL BE PRINTED IN THE JOURNAL.

c) It shall be in order at any time before the final passage of any bill or the adoption of any resolution to move its commitment or recommitment.

d) The vote of a majority of the Senators elected and serving shall be required to discharge a committee from further consideration of any item referred to that committee.

3.204 RESOLUTIONS AND PETITIONS

a) All resolutions shall be accompanied by nine true copies. Resolutions which are not subject to provisions in other Senate rules shall be read ONCE by title to the Senate, and referred to the Committee on Government Operations. Once submitted to the Secretary of the Senate, resolutions become the property of the Senate and shall remain in the possession of the Secretary of the Senate. Concurrent resolutions shall be transmitted to the House on adoption.

b) Once a resolution is submitted to the Secretary of the Senate, any Senator and the President of the Senate wishing to co-sponsor it shall complete a form provided by the Secretary of the Senate. A member must be present and specifically request to be named as a co-sponsor of a resolution.

c) After a Senate concurrent resolution has been adopted by both houses and is returned to the Senate, the Secretary of the Senate is authorized to order the printing of the concurrent resolution unless amended by the House or otherwise directed by the Senate.

~~d) Petitions received by the presiding officer, a Senator, or the Secretary of the Senate shall be endorsed by the recipient. The recipient shall deliver the petitions directly to the chairperson or the clerk of the committee which has the subject matter under consideration.~~

3.205 PRINTING

All bills AND JOINT RESOLUTIONS shall be printed or reproduced after introduction, unless otherwise ordered by the Senate. No bill OR JOINT RESOLUTION shall be reported from a standing committee until it has been printed or reproduced (~~Const. Art. 4, Sec. 26~~).

3.207 THREE SEPARATE READINGS

Every bill and joint resolution shall receive three separate readings prior to its being passed or adopted. The ~~President of the Senate~~ PRESIDING OFFICER shall announce whether it is the first, second, or third reading. The first and second readings may be by title only. The third reading of a bill OR JOINT RESOLUTION shall be in full unless otherwise ordered unanimously by the Senate. The third reading of a bill OR JOINT RESOLUTION shall be on a day subsequent to that on which it is read a second time or is reported by the Committee of the Whole (SEE Const. Art. 4, Sec. 26).

3.208 INITIATIVE PETITIONS

A) INITIATIVE PETITIONS RECEIVED BY THE SECRETARY OF THE SENATE FROM THE SECRETARY OF STATE SHALL BE STAMPED WITH THE DATE AND TIME MEASURED IN HOURS AND MINUTES. THE SECRETARY OF THE SENATE SHALL DELIVER THE INITIATIVE PETITION TO THE SENATE MAJORITY LEADER TO BE AVAILABLE FOR REFERRAL TO COMMITTEE ON THE NEXT SENATE LEGISLATIVE DAY (SEE CONST. ART. 2, SEC. 9).

B) EACH INITIATIVE PETITION, WHEN INTRODUCED, SHALL BE READ A FIRST AND SECOND TIME BY TITLE AND REFERRED TO COMMITTEE. WHEN REPORTED OUT OF COMMITTEE, EACH INITIATIVE PETITION SHALL BE PLACED ON THE ORDER OF THIRD READING OF BILLS.

C) ANY LAW PROPOSED BY INITIATIVE PETITION SHALL BE EITHER ENACTED OR REJECTED BY THE LEGISLATURE WITHOUT CHANGE OR AMENDMENT WITHIN 40 DAYS FROM THE TIME SUCH PETITION IS RECEIVED IN THE OFFICE OF THE SECRETARY OF THE SENATE (SEE CONST. ART. 2, SEC. 9).

D) IF THE SENATE REJECTS AN INITIATIVE PETITION, THE SENATE MAY PROPOSE A DIFFERENT MEASURE ON THE SAME SUBJECT BY A YEA AND NAY VOTE ON SEPARATE ROLL CALLS. IN SUCH EVENT, BOTH MEASURES SHALL BE SUBMITTED TO THE ELECTORS FOR APPROVAL OR REJECTION AT THE NEXT GENERAL ELECTION (SEE CONST. ART. 2, SEC. 9).

3.301 RECOGNITION

The presiding officer shall recognize Senators to speak in the order in which they press their "request to speak" button, EXCEPT WHEN A SENATOR SEEKS RECOGNITION TO INTRODUCE GUESTS OR TO RAISE A POINT OF ORDER. A Senator, when recognized, shall address the presiding officer, standing at the microphone nearest to his or her desk.

3.304 MOTION WITHDRAWAL

Any motion may be withdrawn BY THE MAKER OF THE MOTION before it is amended or adopted.

3.306 ~~MOTION TO~~ CONSIDERATION FOLLOWING A RECESS

When a recess is taken during the pendency of any question, the consideration of the question shall be resumed on the reassembling of the Senate.

3.307 MOTION TO LAY ON THE TABLE

A motion to lay on the table shall carry with it all pending subsidiary questions except in case of laying an appeal or a motion to reconsider on the table. A motion taken from the table shall be divested of all subsidiary motions except motions to amend. THE VOTE OF A MAJORITY OF THE SENATORS ELECTED AND SERVING SHALL BE REQUIRED FOR A MOTION TO REMOVE ANY ITEM FROM THE TABLE. ITEMS LAID ON THE TABLE MUST FIRST BE REMOVED FROM THE TABLE BEFORE THEY ARE ELIGIBLE FOR FURTHER CONSIDERATION BY THE SENATE.

3.308 MOVE THE PREVIOUS QUESTION

a) Any Senator may move the previous question. The previous question shall be ordered by a majority of the Senators voting. The motion for the previous question may be limited by the mover to one or more of the questions preceding the main question. The effect of ordering the previous question shall be to close debate instantly, bringing the Senate to an immediate vote on the pending question or questions in their regular order. If the previous question is ordered on the third reading of a bill OR JOINT RESOLUTION, only amendments to the bill OR JOINT RESOLUTION that have been filed with the Secretary of the Senate prior to the ordering of the previous question shall be considered, but the amendments shall not be debated. The yeas and nays may be demanded on any vote taken while the previous question is in effect.

b) A motion to reconsider is in order under operation of the previous question before voting is completed on all pending items affected by the previous question.

c) A motion for a Call of the Senate shall not be in order after the previous question has been ordered. No Senator shall ~~explain his or her "no" vote~~ DISSENT ORALLY BY MAKING A STATEMENT OF PROTEST while the previous question is in effect. The previous question having been ordered, any question of order or appeal from the decision of the Chair shall be decided without debate.

3.311 MOTION TO RECONSIDER

a) No motion for the reconsideration of any vote shall be in order unless:

- 1) The subject matter on which the vote was taken is in the possession of the Senate, and
- 2) It is made on the same day the vote is taken or within the next two Senate legislative days.

b) The same question shall not be reconsidered more than once.

c) The vote of a majority of the Senators elected and serving shall be required to reconsider the vote by which any bill OR JOINT RESOLUTION was passed OR ADOPTED by the Senate.

d) A motion to reconsider may be laid on the table. The tabling of a motion to reconsider the vote by which any bill or JOINT resolution failed to pass OR BE ADOPTED BY the Senate shall require the vote of a majority of the Senators elected and serving and shall postpone indefinitely the consideration of the bill or JOINT resolution.

e) Tabling of a motion to reconsider shall not carry with it the original question but shall be a refusal to reconsider.

It shall not be in order to take from the table a motion to reconsider, nor shall the vote whereby any motion to reconsider was laid on the table be reconsidered.

3.313 MOTION FOR CALL OF THE SENATE

A CALL OF THE SENATE SHALL BE ORDERED BY A MAJORITY OF THE SENATORS PRESENT, WHETHER A QUORUM OR NOT. AFTER A CALL OF THE SENATE IS ORDERED, THE DOORS SHALL BE CLOSED AND THE SENATORS SHALL NOT BE PERMITTED TO LEAVE THE SENATE FLOOR WITHOUT PERMISSION OF THE SENATE. THE ROLL OF THE SENATE SHALL BE TAKEN BY THE SECRETARY OF THE SENATE AND THE ABSENTEES NOTED. THE SERGEANT AT ARMS, OR PERSONS DULY EMPOWERED BY A MAJORITY OF THE SENATORS VOTING, MAY BE DISPATCHED AND MAY ARREST ANY OR ALL OF THE SENATORS ABSENT WITHOUT LEAVE.

3.401 TWO READINGS BEFORE AMENDMENT

No bill OR JOINT RESOLUTION shall be amended until it has been read twice.

3.403 PRINTING OF AMENDMENTS IN THE JOURNAL

a) No bill or joint resolution which has been reported with amendment or amendments by any committee shall be considered in Committee of the Whole until the amendment or amendments have been printed in the Journal. No bill or joint resolution amended in Committee of the Whole shall be considered on Third Reading of Bills until all amendments made in Committee of the Whole have been printed in the Journal.

b) All amendments shall be submitted in writing and with 7 SEVEN copies AND ALL SUBSTITUTES SHALL BE SUBMITTED WITH 10 COPIES.

3.503 FINAL PASSAGE BY REQUIRED VOTE

a) The vote on the final passage of any bill or the adoption of any joint resolution shall be taken by yeas and nays, which shall be ~~entered~~ PRINTED in the Journal (SEE Const. Art. 4, Sec. 26).

b) The final vote on all joint resolutions ratifying a proposed amendment to the federal Constitution shall be by record roll call.

c) When any bill or joint resolution receives the constitutionally required assent, that fact shall be certified on the bill or joint resolution by the Secretary of the Senate.

D) WHEN A BILL IS GIVEN IMMEDIATE EFFECT BY A TWO-THIRDS VOTE OF THE SENATORS ELECTED AND SERVING, THAT ACTION REMAINS IN EFFECT AS THE BILL PROCEEDS THROUGH THE LEGISLATIVE PROCESS, UNLESS THE VOTE FOR IMMEDIATE EFFECT IS RECONSIDERED AND DEFEATED.

3.504 DEMAND FOR RECORDED VOTE

The record of the votes and names of the Senators voting on any question shall be ~~entered~~ PRINTED in the Journal at the request of one-fifth of the Senators present (SEE Const. Art. 4, Sec. 18), EXCEPT DURING THE COMMITTEE OF THE WHOLE.

3.505 VOTING

a) After a question is stated by the Chair, no motion shall be in order and no Senator shall be entitled to speak until the roll call is finished and the result is declared.

b) The electronic voting system shall be used, if operational, to determine the question before the body when the vote is taken by ~~yeas and nays~~ ROLL CALL or by division, and shall display the votes of each Senator and the running total. ~~When the Senate is ready to vote on a question (and the vote is recorded by the electronic voting system), the presiding officer shall announce: "The question before the body is (designating the matter to be voted on). All in favor of the question shall vote 'aye', all opposed shall vote 'no'. The Senate shall proceed to vote."~~ AT THE DIRECTION OF THE PRESIDING OFFICER, ~~The~~ THE Secretary of the Senate shall immediately activate the electronic voting system FOR ONE MINUTE for a ~~record~~ roll call vote, AFTER WHICH ~~the electronic voting system shall be activated for one minute. After one minute has elapsed,~~ the vote shall be closed and no further votes shall be entered in the record. If all Senators present have voted before one minute has elapsed, the presiding officer ~~shall~~ MAY state: ~~"Without objection, the vote will be closed."~~ ASK SENATORS IF THERE IS OBJECTION TO CLOSING THE VOTE. If no Senator objects, the presiding officer shall instruct the Secretary of the Senate to close the board immediately and record the vote.

C) THE PRESIDING OFFICER MAY CLOSE A DIVISION VOTE AT HIS OR HER DISCRETION WHEN IT APPEARS THAT ALL MEMBERS PRESENT HAVE HAD A REASONABLE OPPORTUNITY TO VOTE.

D) IF THE ELECTRONIC VOTING SYSTEM IS NOT OPERATIONAL, THE PRESIDING OFFICER SHALL DIRECT THE SECRETARY OF THE SENATE TO CONDUCT A ROLL CALL OR A DIVISION VOTE ORALLY, AND TO RECORD AND ANNOUNCE THE RESULTS.

E e) A Senator shall not vote for another Senator. A person not a Senator shall not vote for any Senator. In addition to penalties prescribed by law, any Senator may be punished as the Senate may determine for voting for another Senator. If a person not a Senator votes or attempts to vote, he or she, in addition to penalties prescribed by law, shall be barred from the Senate floor for the remainder of the session and may receive further punishment as the Senate deems proper.

3.506 A SENATOR'S RIGHT TO DISSENT

a) A Senator may dissent from or protest against any act, proceeding, or resolution which he or she believes is injurious to any person or the public, and have the reason for his or her dissent ~~entered~~ PRINTED in the Journal (SEE Const. Art. 4, Sec. 18).

b) A Senator may dissent orally by making a statement of protest NOT TO EXCEED FIVE MINUTES, (unless the previous question is in effect) or moving that a statement made personally during session on any order of business other than ~~General Orders~~ DURING THE COMMITTEE OF THE WHOLE be his or her protest. A Senator may also dissent by concurring with another Senator's protest or statement previously moved to be ~~entered~~ PRINTED in the Journal during that day's session. DISSENT STATEMENTS NOT MADE DURING THE DEBATE PRECEDING OR IMMEDIATELY FOLLOWING THE VOTE FROM WHICH A SENATOR IS DISSENTING SHALL BE MADE UNDER THE ORDER OF BUSINESS OF STATEMENTS.

c) A Senator may dissent in writing NOT TO EXCEED 1,000 WORDS if:

- 1) He or she gives oral notice during session of an intent to file a written protest,
- 2) On that day or prior to the end of session on the next Senate legislative day, a signed copy of the written protest is placed on each Senator's desk and filed with the Secretary of the Senate, and
- 3) No objections are raised and sustained by the end of session on the first Senate legislative day following the day oral notice was given.

d) All protests submitted in any of the above manners shall be printed in the Journal, except the Senate may refuse to print statements or material containing insulting and contemptuous matter under the guise of a protest.

e) No statement of any Senator shall be ~~entered~~ PRINTED in the Journal unless moved by that Senator.

3.507 ANNOUNCEMENTS AND STATEMENTS

A) ANNOUNCEMENTS MAY BE MADE DURING ANY ORDER OF BUSINESS. ANNOUNCEMENTS ARE REMARKS CONCERNING THE SESSION SCHEDULE, COMMITTEE MEETINGS, INTRODUCTION OF GUESTS, CONGRATULATIONS, CONDOLENCES OR ILLNESS, REQUESTS TO CO-SPONSOR BILLS AND RESOLUTIONS, REQUESTS TO BE REMOVED AS A SPONSOR OR CO-SPONSOR OF BILLS AND RESOLUTIONS, PAST VOTE INTENTIONS OR INTENTIONS OF INTRODUCING LEGISLATION OR RESOLUTIONS.

B) STATEMENTS ON TOPICS, ISSUES OR ITEMS NOT PROPERLY BEFORE THE SENATE SHALL BE MADE DURING THE ORDER OF BUSINESS OF STATEMENTS. DISSENT STATEMENTS MAY BE MADE UNDER THE ORDER OF BUSINESS OF STATEMENTS.

C) EACH STATEMENT SHALL BE LIMITED TO FIVE MINUTES ORALLY OR, IF SUBMITTED IN WRITING, SHALL BE NO GREATER THAN 1,000 WORDS.

D) NOTWITHSTANDING THE PROVISIONS OF SECTIONS B) AND C) OF THIS RULE, THE FOLLOWING APPLIES:

1) THE SENATE MAJORITY LEADER OR SENATE MINORITY LEADER MAY MAKE OR DESIGNATE A SENATOR TO MAKE A THREE-MINUTE STATEMENT ONCE A WEEK ON ANY TOPIC, ISSUE, OR ITEM NOT PROPERLY BEFORE THE SENATE AT THE BEGINNING OF SESSION UNDER THE ORDER OF MOTIONS AND COMMUNICATIONS.

2) THE SENATE MAJORITY LEADER OR SENATE MINORITY LEADER MAY MAKE OR DESIGNATE A SENATOR TO MAKE A TWO-MINUTE REBUTTAL STATEMENT ONCE A WEEK TO THE PREVIOUS SPEAKER'S THREE-MINUTE STATEMENT UNDER THE ORDER OF MOTIONS AND COMMUNICATIONS.

E) WITH THE LEAVE OF THE SENATE, THE PRESIDENT OF THE SENATE MAY REQUEST THAT A STATEMENT MADE BY THE PRESIDENT BE PRINTED IN THE JOURNAL.

3.601 GENERAL APPROPRIATION BILLS

The general appropriation bills for the succeeding fiscal year covering items set forth in the budget shall be passed or defeated in the Senate before it passes any appropriation bill for items not in the budget, except bills supplementing appropriations for the current fiscal year's operation (SEE Const. Art. 4, Sec. 31).

3.602 BILLS REQUIRING APPROPRIATIONS

Any bill containing an appropriation TO CARRY OUT ITS PURPOSE shall be considered an appropriation bill (SEE CONST. ART. 4, SEC. 31). Appropriation bills, when reported back to the Senate favorably by a committee other than the Committee on Appropriations, shall, together with amendments proposed by that committee, be referred to the Committee on Appropriations for consideration.

3.701 FAVORABLE REPORTS

All bills and joint resolutions reported back to the Senate favorably shall be referred to the Committee of the Whole with amendments, if any, proposed by the committee, which amendments shall be considered first by the Committee of the Whole. Any bill or joint resolution may, after having been reported favorably to the Senate by a committee, be referred to a second committee. If the second committee reports the bill or joint resolution back to the Senate, the report shall include amendments, if any, that were recommended by the first committee. The reported bill OR JOINT RESOLUTION, and any amendments, shall be referred to the Committee of the Whole.

3.703 BILLS AND JOINT RESOLUTIONS CONSTITUTING GENERAL ORDERS

a) Bills AND JOINT RESOLUTIONS referred to the Committee of the Whole shall constitute General Orders and shall be considered in the Committee of the Whole on a day subsequent to such referral in the order of their reference, unless the Senate or the Committee of the Whole otherwise determines.

b) No bill or joint resolution shall bypass consideration by the Committee of the Whole.

3.705 RULES IN THE COMMITTEE OF THE WHOLE

a) The rules of the Senate shall be observed in the Committee of the Whole so far as may be applicable, except limiting debate, ordering the previous question, SUSPENSION OF RULES, or taking the yeas and nays. HOWEVER, NO SPEECH SHALL EXCEED FIVE MINUTES. A motion that the Committee rise shall always be in order and decided without debate. Motions in the Committee of the Whole recommending action by the Senate shall take precedence in the same order as identical motions made during a session of the Senate. ~~A motion~~ MOTIONS to RECESS OR reconsider ~~is~~ ARE in order in the Committee of the Whole.

B) NO STATEMENT MADE DURING THE COMMITTEE OF THE WHOLE SHALL BE PRINTED IN THE JOURNAL.

C) ~~b)~~ In the event the Senate is in session in the Committee of the Whole at 11:55 p.m., it shall be the duty of the chairperson to declare the Committee of the Whole to have risen. The Committee of the Whole shall automatically rise and the presiding officer of the Senate shall resume the chair.

3.707 CALL OF THE SENATE

~~A Call of the Senate shall be ordered by a majority of the Senators present, whether a quorum or not. After a Call of the Senate is ordered, the doors shall be closed and the Senators shall not be permitted to leave the Senate floor without permission of the Senate. The Sergeant at Arms, or persons duly empowered by a majority of the Senators voting, may be dispatched and may arrest any or all of the Senators absent without leave, as the majority has agreed, at the expense of the absent Senators, respectively, unless the Senate, when a quorum is convened, shall determine otherwise.~~

3.802 MANUAL OF LEGISLATIVE PROCEDURE

The rules of parliamentary practice in THE MOST RECENT EDITION OF Mason's "Manual of Legislative Procedure" shall govern all cases except when they are inconsistent with the Standing Rules and precedents of the Senate.

3.803 RULES OF A NEWLY CONVENED SENATE

The Senate rules which are in effect when the Senate adjourns sine die in an even numbered year shall be the temporary rules of the Senate when it convenes at twelve o'clock noon on the second Wednesday in January of the following odd numbered year and shall remain in effect until other temporary or permanent rules are adopted (SEE MCL 4.42).

3.804 AMENDMENT OR REPEAL OF SENATE RULES

The repeal or amendment of any rule shall be accomplished only by resolution. All proposed amendments or repeals of Senate rules shall be referred to the Committee on Government Operations for consideration. The adoption of a proposed resolution for the repeal or amendment of any rule shall require a majority of the Senators ~~present~~ ELECTED AND SERVING.

3.805 SUSPENSION OF RULES

The suspension of any Senate rule OR ADOPTED PARLIAMENTARY AUTHORITY shall require a majority of the Senators elected and serving.

3.902 FLOOR PRIVILEGE AND CONDUCT

A) A session of the Senate shall be defined, for the purposes of this rule, as any period of time when the Senate is in session, any recess, and any 15-minute period before the Senate convenes and five minutes after it adjourns. THE SENATE FLOOR IS DEFINED AS THE SENATE CHAMBER AND ADJOINING ROOMS S212, S204 (E. LAKIN BROWN ROOM), S204A, S201 AND S207. Access to the Senate floor shall be restricted as outlined below during any session of the Senate, EXCEPT THAT MEMBERS OF THE PUBLIC ARE PERMITTED IN ROOM S204 WHEN A SCHEDULED PRESS CONFERENCE IS HELD THERE DURING SESSION. ÷

1) No person, other than the following, shall be admitted to the Senate floor:

- a) Senators or Representatives
- b) The President of the Senate
- c) The Governor
- d) Senators or Representatives in Congress
- e) Former Michigan Legislators
- f) The Secretary of the Senate and his or her support staff
- g) Legislative staff as authorized in guidelines issued by the Senate Majority Leader
- h) One representative of the Governor
- i) ~~A member~~ MEMBERS of the immediate family of a Senator or the President of the Senate
- j) Registered members of the media pursuant to Rule 3.901

K) A GUEST WHO HAS BEEN INVITED BY A SENATOR TO OFFER THE INVOCATION, AND AN IMMEDIATE FAMILY MEMBER OF THAT GUEST.

2) No registered lobbyist agent, including former Legislators, shall be allowed on the Senate floor. ~~or~~ THEY SHALL NOT BE ALLOWED in the hallway behind the Senate rostrum, UNLESS EN ROUTE TO OR FROM THE LIEUTENANT GOVERNOR'S OFFICE (S215) OR THE ELIJAH MYERS ROOM (S208).

B) No person shall engage in any conduct on the Senate floor during any session of the Senate which undermines the decorum of the Senate. All persons who are admitted to the Senate floor shall observe the following guidelines:

1) No Senator shall speak ~~unless~~ UNTIL recognized by the presiding officer, UNLESS THE SENATOR RISES TO MAKE A POINT OF ORDER.

2) EXCEPT AS OTHERWISE OUTLINED IN OTHER SENATE RULES, ~~No~~ NO Senator shall speak on any matter not properly before the Senate. ~~, unless granted permission by a majority of the Senators present.~~

3) No Senator shall speak more than twice in any one debate on the same day, without leave of the Senate, except the Senator who sponsored the matter under consideration, ~~and~~ the chairperson of the committee which reported it AND THE CHAIRPERSON OF THE SUBCOMMITTEE WHICH CONSIDERED THE MATTER. EACH SPEECH SHALL NOT EXCEED FIVE MINUTES OR, IF SUBMITTED IN WRITING, NOT EXCEED 1,000 WORDS, EXCEPT THERE IS NO LIMIT ON THE LENGTH OF A SPEECH ON THIRD READING OF BILLS.

4) No Senator shall speak impertinently, attack the motives of any Senator who proposes or advocates a particular position, use indecent language or other disorderly words, or refer to another Senator by name in a disparaging way.

5) No person other than a Senator or the President of the Senate shall pass through the well of the Senate Chamber which is immediately in front of the Senate rostrum.

6) No person shall pass between the presiding officer and a Senator who is speaking.

7) No person other than a Senator or the President of the Senate shall use the center aisle of the Chamber.

8) No person other than a Senator shall sit in a Senator's chair.

9) No staff shall be allowed on the Senate floor unless they wait in the majority or minority lounge or the lounge at the rear of the Chamber until they are needed by a Senator and shall then be seated at a Senator's desk.

10) No member of the media shall be allowed on the Senate floor unless he or she is in the media's designated area, except as otherwise provided in Rule 3.901.

11) No smoking shall be permitted on the Senate floor. Room ~~S-206~~ S202 is a designated smoking area for ~~members~~ SENATORS."

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators McManus, Conroy, Dunaskiss and Stille were named co-sponsors of the resolution.

Senator Dingell offered the following resolution:

Senate Resolution No. 89.

A resolution to encourage grocery store owners and other retailers to voluntarily remove "tabloid publications" to an area of their stores where similar assaultive, insulting, and adult oriented materials are kept.

Whereas, Tabloid publications have demonstrated a lack of good taste, journalistic integrity, and respect for privacy. The have hidden behind First Amendment freedoms to abuse the rights of others; and

Whereas, These publications are currently sold in an area where a consumer cannot avoid seeing the offensive materials whether he or she wishes to or not. This is bordering the line of public decency and discretion. Retailers need to take some steps towards responsible distribution of such publications; and

Whereas, The press enjoys a privileged level of protection from liable laws. It is reasonable to expect a higher level of responsibility to remove the sensational and often exaggerated headlines from a public which more often does not purchase the publications, but is bombarded by those misleading headlines; and

Whereas, It is not restriction of "freedom of the press" or "free speech" to call for a voluntary change of policy in marketing and sales of these offensive publications. We urge the retail and grocery industry to take a serious look at the responsibility being placed on their doorstep; now, therefore, be it

Resolved by the Senate, That we are encouraging the distributors of tabloid publications to take their role in this endeavor very seriously and to relocate the displays of these publications to a more appropriate area; and be it further

Resolved, That a copy of this resolution be distributed to the Michigan Grocers Association in anticipation that they will agree to consider this action.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators McManus, Stille, Conroy, Young, Hart and Stallings were named co-sponsors of the resolution.

Senators DeBeaussaert, Cherry, Byrum, Peters, Vaughn, Conroy, Hart, Berryman, Dingell, A. Smith, Miller, Stallings, Young, Koivisto and V. Smith offered the following concurrent resolution:

Senate Concurrent Resolution No. 45.

A concurrent resolution to disapprove Executive Order 1997-12 on executive reorganization.

Whereas, On August 6, 1997, Governor Engler, pursuant to authority outlined in Article V, Section 2 of the Constitution of the State of Michigan, issued Executive Order 1997-12. This proposal on executive reorganization seeks to provide for changes in responsibilities within the Department of Consumer and Industry Services, the Michigan Jobs Commission, and the Michigan Employment Security Agency; and

Whereas, Article V, Section 2 of the Constitution of the State of Michigan also provides:

Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature, pursuant to Article V, Section 2 of the Constitution of the State of Michigan, disapprove Executive Order 1997-12; and be it further

Resolved, That a copy of this resolution be transmitted to the office of the Governor.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator O'Brien was named co-sponsor of the concurrent resolution.

Senator Young offered the following concurrent resolution:

Senate Concurrent Resolution No. 46.

A concurrent resolution to disapprove Executive Order 1997-13 on executive reorganization.

Whereas, On August 15, 1997, Governor Engler, pursuant to authority outlined in Article V, Section 2 of the Constitution of the State of Michigan, issued Executive Order 1997-13. This proposal on executive reorganization seeks to provide for changes in responsibilities within the Department of Consumer and Industry Services and the Department of Agriculture; and

Whereas, Article V, Section 2 of the Constitution of the State of Michigan also provides:

Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

; and

Whereas, Executive Order 1997-13 provides, in part, that all of the statutory authority, powers, and responsibilities of the Board of Physical Therapy are transferred to the Director of the Department of Consumer and Industry Services. This action would remove vitally important professional knowledge and autonomy from the processes of licensing, rulemaking, and enforcement in the practice of physical therapy. Accountability and patient protection in this profession—one of the fastest growing aspects of health care—would suffer. Professional licensing boards fill a critical role in bringing up-to-date and specialized professional expertise to the regulatory process to best protect public health and safety; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature, pursuant to Article V, Section 2 of the Constitution of the State of Michigan, disapprove Executive Order 1997-13; and be it further

Resolved, That a copy of this resolution be transmitted to the office of the Governor.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Byrum, Conroy and Stallings were named co-sponsors of the concurrent resolution.

Senator Stille offered the following concurrent resolution:

Senate Concurrent Resolution No. 47.

A concurrent resolution to urge the plaintiff school districts in the Durant case to spend the money resulting from the court settlement in a manner consistent with the limitations on nonplaintiff school districts to fund technology and infrastructure improvement projects.

Whereas, The plaintiffs in the Durant Case have been awarded monies by the Michigan Supreme Court to fund the costs of special education and other state mandated programs incurred during the 1991, 1992, and 1993 Fiscal Years; and

Whereas, The amount awarded totals an estimated \$211 million that the taxpayers of the plaintiff school districts have already paid in the form of higher property taxes or project specific bond programs; and

Whereas, The Michigan Supreme Court has determined that the monies disbursed pursuant to the award may be spent at the sole discretion of the plaintiff school districts, noting in their order that:

Although we have no concern regarding the correctness of awarding damages to the taxpayer, we stop short of ordering any particular method of distribution because each of the affected districts and its respective taxpayers have sustained discrete harms that are beyond the capability of the Court to evaluate. Instead, we award damages to the plaintiff school districts with the expectation that the

democratic process will inform and shape distribution of the award. In so doing, each board of education will exercise its discretion to determine and tailor its award in a manner that best fits the needs of its constituents. Appropriate remedies include, but are not limited to, distributing the award to taxpayers in relation to the amount of increased taxes they paid during 1991-92, 1992-93, and 1993-94 as a result of increase in millage over base year 1978-79 due to underfunding, distributing the award to all property-owning taxpayers, to all local taxpayers, or use of the award by the district for other public purpose.

; and

Whereas, The payments authorized by Senate Bill No. 52 to be made to the nonplaintiff school districts will be restricted solely to expenditures on technology and infrastructure improvements; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the plaintiff school districts in the Durant case to spend the money resulting from the court settlement in a manner consistent with the limitations on nonplaintiff school districts to fund technology and infrastructure improvement projects; and be it further

Resolved, That a copy of this resolution be transmitted to each plaintiff school district in the Durant Case decision.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Hoffman, Schwarz and McManus were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4944

The bill was referred to the Committee on Health Policy and Senior Citizens.

The following communication was received:

Office of the Senate Minority Leader

October 14, 1997

Pursuant to House Concurrent Resolution 34 I have appointed Senator Christopher Dingell and Senator Dianne Byrum to the special committee to study and make recommendations regarding Michigan's campaign finance laws.

Sincerely,

John D. Cherry, Jr.

Senate Democratic Leader

The communication was referred to the Secretary for record.

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending September 30, 1997:

Senator Alma Smith	August 5-10	Attend NCSL annual meeting Philadelphia, PA	\$ 865.85
Senator Christopher Dingell	July 26-28	Attend NCCUSL annual meeting Sacramento, CA	\$ 1,292.76
Senator George Hart	August 6-9	Attend NCSL annual meeting Philadelphia, PA	\$ 634.44
Senator Henry Stallings	August 12-17	Attend ALEC conference New Orleans, LA	\$ 1,096.81
	August 6-10	Attend NCSL annual meeting Philadelphia, PA	\$ 1,007.19
	September 10-14	Attend Congressional Black Caucus Foundation Conference Washington, DC	\$ 1,181.42
Senator Joanne Emmons	August 10-15	Attend ALEC conference New Orleans, LA	\$ 619.74
	August 6-9	Attend NCSL annual meeting Philadelphia, PA	\$ 671.65

Senator Joe Conroy	August 6-8	Attend NCSL annual meeting Philadelphia, PA	\$ 733.78
Senator John Schwarz	August 5-10	Attend NCSL annual meeting Philadelphia, PA	\$ 788.74
	September 14-15	Attend NCSL 1998 New Officers' Orientation Washington, DC	\$ 781.03
Senator Leon Stille	August 8-12	Attend Bowhay Institute for Legislative Leadership Development Madison, WI	\$ 207.40
Senator Mat Dunaskiss	August 4-10	Attend NCSL annual meeting Philadelphia, PA	\$ 956.77
Senator Michael Bouchard	July 11	Spoke at National Insurance Meeting 7/11 Chicago, IL	\$ 146.00
Senator Virgil Smith	August 6-10	Attend NCSL annual meeting Philadelphia, PA	\$ 865.28

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 15:

House Bill Nos. 4561 4993 4994 4995 4996 5076 5135 5228 5229 5230 5231 5232 5233 5234

The Secretary announced the printing and placement in the members' files on Wednesday, October 15 of:

House Bill Nos. 5261 5262 5263 5264

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Schuette, McManus, Shugars, Carl, Van Regenmorter and Rogers introduced

Senate Bill No. 757, entitled

A bill to prohibit a state employer from expending money received from the state to provide certain benefits to persons not employed by that state employer.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators Cisky and Bouchard introduced

Senate Bill No. 758, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1606b, 1606c, 1606d, and 1606e.

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

Senators Cisky and Bouchard introduced

Senate Bill No. 759, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 1 and 33c (MCL 436.1 and 436.33c), section 1 as amended by 1983 PA 11 and section 33c as amended by 1995 PA 122.

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

Senators Bullard, Bouchard and Dunaskiss introduced

Senate Bill No. 760, entitled

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," by amending section 7 (MCL 141.907).

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

Senator Steil introduced

Senate Bill No. 761, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," (MCL 125.2681 to 125.2696) by adding section 8a.

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

House Bill No. 4561, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

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

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

House Bill No. 4993, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445.

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

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

House Bill No. 4994, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445.

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

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

House Bill No. 4995, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 1980 PA 445.

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

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

House Bill No. 4996, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 3 as amended by 1988 PA 278.

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

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

House Bill No. 5076, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418.

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

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

House Bill No. 5135, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406j.

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

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

House Bill No. 5228, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 25, and by adding section 1279a.

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

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

House Bill No. 5229, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 1997 PA 24.

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

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

House Bill No. 5230, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279f (MCL 380.1279f), as added by 1996 PA 169.

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

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

House Bill No. 5231, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1525 (MCL 380.1525), as amended by 1995 PA 289.

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

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

House Bill No. 5232, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513).

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

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

House Bill No. 5233, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1277 (MCL 380.1277), as amended by 1995 PA 289.

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

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

House Bill No. 5234, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 1995 PA 289.

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

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

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 96.

A resolution to urge the Natural Resources Commission to permit deer hunting with a firearm from a tree stand. (For text of resolution, see Senate Journal No. 74, p. 1518.)

With the recommendation that the following amendments be adopted and that the resolution then be adopted:

1. Amend the title, line 2, after "stand" by inserting "or raised platform".
2. Amend the third Whereas clause, line 4, after the first "stands" by inserting "and raised platforms".
3. Amend the first Resolving clause, line 2, after "stand" by inserting "or raised platform".

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dingell and DeBeaussiaert

Nays: Senator Gast

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

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.

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

1. Amend page 3, line 23, after "PERMIT." by inserting "HOWEVER, AT LEAST 6 MONTHS BEFORE INCREASING A CAMPING PERMIT FEE, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF ITS INTENT TO DO SO TO THE STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES THAT HAVE PRIMARY JURISDICTION OVER LEGISLATION PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT."

2. Amend page 4, line 16, by striking out all of section 83109 and inserting:

"SEC. 83109. A PERSON WHO VIOLATES THIS PART OR A RULE PROMULGATED UNDER THIS PART IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00."

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast and Dingell

Nays: Senator DeBeaussaert

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 728, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

With the recommendation that the bill pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast and Dingell

Nays: Senator DeBeaussaert

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, October 14, 1997, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Bennett (C), Dunaskiss, Gast, Dingell and DeBeaussaert

The Committee on Health Policy and Senior Citizens reported

Senate Bill No. 479, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

With the recommendation that the bill and the substitute (S-2) be referred to the Committee on Finance.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Bullard, Byrum and O'Brien

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee on Finance.

The Committee on Health Policy and Senior Citizens reported

House Bill No. 4149, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 16106, 17708, 17751, and 17763 (MCL 333.7405, 333.16106, 333.17708, 333.17751, and 333.17763), section 7405 as amended by 1988 PA 30, section 17708 as amended by 1994 PA 384, and section 17763 as amended by 1993 PA 79.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Bullard, Byrum and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Senior Citizens submits the following:

Meeting held on Tuesday, October 14, 1997, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Schwarz, Bullard, Byrum and O'Brien

The Committee on Judiciary reported

Senate Bill No. 226, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1991 PA 192.

(Substitute (S-2) in bill form.)

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 535, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 2167 (MCL 600.2167), as amended by 1993 PA 288.

(Substitute (S-2) in bill form.)

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, October 14, 1997, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), Rogers, Cisky, Geake, Dingell and Peters

Excused: Senator V. Smith

The Committee on Financial Services reported

Senate Bill No. 299, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, and 8406 (MCL 440.5101, 440.5102, 440.5103, 440.5104, 440.5105, 440.5106, 440.5107, 440.5108,

440.5109, 440.5110, 440.5111, 440.5112, 440.5113, 440.5114, 440.5115, 440.5116, 440.5117, 440.8101, 440.8102, 440.8103, 440.8104, 440.8105, 440.8106, 440.8107, 440.8108, 440.8201, 440.8202, 440.8203, 440.8204, 440.8205, 440.8206, 440.8207, 440.8208, 440.8301, 440.8302, 440.8303, 440.8304, 440.8305, 440.8306, 440.8307, 440.8401, 440.8402, 440.8403, 440.8404, 440.8405, and 440.8406), sections 5114, 8102, 8103, 8104, 8105, 8106, 8107, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, and 8406 as amended and section 8108 as added by 1987 PA 16, and by adding sections 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8210, 8501, 8502, 8503, 8504, 8505, 8506, 8507, 8508, 8509, 8510, 8511, and 8601; and to repeal acts and parts of acts.

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

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Bennett, Gougeon and Berryman

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, October 15, 1997, at 1:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bouchard (C), Bennett, Gougeon and Berryman

Excused: Senator Miller

The Committee on Gaming and Casino Oversight reported

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.

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

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Rogers, Schuette and Koivisto

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Gaming and Casino Oversight submits the following:

Meeting held on Wednesday, October 15, 1997, at 2:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bouchard (C), Rogers, Schuette and Koivisto

Excused: Senator V. Smith

Scheduled Meetings

Appropriations Committee - Wednesday, October 22, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Financial Services Committee - Wednesday, October 29, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-2523).

Government Operations Committee - Wednesday, October 29, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-1758).

Health Policy and Senior Citizens Committee - Tuesday, October 21, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Judiciary Committee - Tuesday, October 21, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Transportation Appropriations Subcommittee - Tuesday, October 28, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 12:15 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, October 21, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.