

No. 27
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, March 21, 2002.

10:00 a.m.

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

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

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

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

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

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

Our Father, it is indeed our honor to be here today to serve the people of the great state of Michigan. We would pray that as we pause, even now, that each of us as individuals will reflect in our own hearts and lives as to how we can truly live better lives that are more responsible and accountable to You.

We pray today for a very strong sense of Your presence. We pray for a spirit of humility, of compassion, of love, and of genuine friendship and camaraderie. Help us to disagree genuinely on issues in which we disagree, but to do so in a way that is honorable. Help us in all things today for the people of the state of Michigan to make decisions that best reflect Your will and Your desire for how we would lead this state.

We pray also in particular for those individuals out on the highways—wherever they may be—for loved ones, and for constituents that You would keep them safe. We pray that You would superintend in this matter of weather and that they would know even in weather that You are there and that You are God.

We pray all of these things for Jesus' sake. Amen.

Senators Schwarz and Cherry entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Hoffman, McCotter and Schuette be temporarily excused from today's session.

The motion prevailed.

Senator McCotter entered the Senate Chamber.

The Assistant Associate President pro tempore, Senator Arthur J. Miller, Jr., assumed the Chair.

The following communication was received and read:

Office of the Senate Majority Leader

March 20, 2002

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the Conference Committee on HB 5763:

Senator Steil
 Senator DeGrow
 Senator Cherry

Sincerely,
 Dan L. DeGrow
 Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Emerson moved that Senator Dingell be excused from today's session.

The motion prevailed.

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

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

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

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

Recess

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

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

10:12 a.m.

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

During the recess, Senator Cherry introduced to the Senate the Davidson High School Wrestling Team, Division 1 State Champions.

Senator Cherry presented Head Coach Jim Bailey with Senate Resolution No. 185.

Coach Bailey responded briefly.

During the recess, Senator Hoffman entered the Senate Chamber.

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

The motion prevailed.

Senator Dunaskiss' first statement is as follows:

One of the bitter things that come with term limits is having to say goodbye to staff who have become like second family. But often they move on and progress to bigger and better things. Today, Connie Russell is that person. After two years, Connie is leaving my office. She's now moving on to work for Republican Caucus Services in the House, and I'm sure we're all going to wish her well in those endeavors. Although this is a loss to the entire Senate, I would ask my colleagues to join me in presenting Connie with this Great Seal.

Senator Dunaskiss' second statement is as follows:

Sometimes the House doesn't steal all the great talent. I now have Mitzi Swift joining my staff. Mitzi comes over from the House after serving 17 years with Representative Crissman and Representative Bishop, so we welcome her to our Senate family.

Senator Hoffman's statement is as follows:

For the members' benefit here, I just wanted to alert the members today that we're going to lose one of our own, Steve Ewers. He's been with the Senate Majority Communications Office for the past five years, and he's been working as our broadcast specialist. He's been in charge of making us look good under extremely difficult conditions, and he's done a fine job of that—I might add. He is going to be leaving us during our spring break and taking a position with Michigan State University, helping the Spartans shine as usual.

I just wanted to take a moment to wish Steve well on behalf of the Michigan Senate. Steve, good luck and God bless you.

Senator Emmons moved that the following concurrent resolution, now on the order of Resolutions, be referred to the Committee on Farming, Agribusiness and Food Systems:

Senate Concurrent Resolution No. 11.

A concurrent resolution to establish a special joint committee to evaluate the Michigan State Fairgrounds and the pending sale of adjacent property.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 20:

House Bill Nos. 5645 5646 5647 5650

The Secretary announced the printing and placement in the members' files on Wednesday, March 20, of:

House Bill Nos. 5805 5806 5807 5808 5809 5810 5811 5812 5813 5814 5815 5816

By unanimous consent the Senate proceeded to the order of

Messages from the House

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

Senate Bill No. 451

Senate Bill No. 452

The motion prevailed.

The House of Representatives returned, in accordance with the request of the Senate
Senate Bill No. 930, entitled

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A; and to repeal acts and parts of acts.

Senator Emmons moved to reconsider the vote by which the House substitute was concurred in.

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

Senator Van Regenmorter moved to reconsider the vote by which the first set of amendments he offered to the House substitute were adopted.

The motion prevailed.

The question being on the adoption of the amendments,

Senator Van Regenmorter withdrew the amendments.

Senator Van Regenmorter offered the following amendments to the substitute:

1. Amend page 1, line 5, after the first "A" by striking out the balance of the line through "PREMEDITATED" on line 6 and inserting "WILLFUL AND DELIBERATE".

2. Amend page 3, line 27, after "KNOWINGLY" by inserting "AND WITH PREMEDITATION".

The amendments to the substitute were adopted.

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

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

Roll Call No. 322

Yeas—28

| | | | |
|--------------|-------------|----------|-----------------|
| Bennett | Emmons | Johnson | Sanborn |
| Bullard | Garcia | Koivisto | Schwarz |
| Byrum | Gast | McCotter | Shugars |
| Cherry | Goschka | McManus | Sikkema |
| DeBeaussaert | Gougeon | Miller | Steil |
| DeGrow | Hammerstrom | North | Stille |
| Dunaskiss | Hoffman | Peters | Van Regenmorter |

Nays—7

| | | | |
|---------|--------|-------|-------|
| Emerson | Leland | Scott | Young |
| Hart | Murphy | Smith | |

Excused—3

| | | |
|---------|----------|--------|
| Dingell | Schuette | Vaughn |
|---------|----------|--------|

Not Voting—0

In The Chair: Schwarz

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

The motion prevailed.

Senator Sanborn’s statement is as follows:

In keeping with the birthday theme, I’d like to cite a very important birthday to me today and that is the birthday of the person who I’m probably closest to on the face of the earth and that is my wife of these past 20 years. I’m sorry that I can’t be with her today, but I love her very much, and I’d like to say happy birthday to my wife. I hope my colleagues will also as well.

Senator Emmons moved that the following bills be placed at the head of the Messages from the House calendar:

Senate Bill No. 730

Senate Bill No. 940

The motion prevailed.

Senate Bill No. 730, entitled

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending sections 1, 4, and 5 (MCL 780.651, 780.654, and 780.655), section 1 as amended by 1990 PA 43.

Substitute (H-1).

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

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 3, line 14, after “effect” by striking out “May 1” and inserting “April 22”.

The amendment to the substitute was adopted.

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

The substitute was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 323

Yeas—27

| | | | |
|-----------|-------------|----------|-----------------|
| Bennett | Gast | Leland | Schwarz |
| Bullard | Goschka | McCotter | Shugars |
| Byrum | Gougeon | McManus | Sikkema |
| DeGrowth | Hammerstrom | Miller | Steil |
| Dunaskiss | Hoffman | North | Stille |
| Emmons | Johnson | Peters | Van Regenmorter |
| Garcia | Koivisto | Sanborn | |

Nays—8

| | | | |
|--------------|---------|--------|-------|
| Cherry | Emerson | Murphy | Smith |
| DeBeaussaert | Hart | Scott | Young |

Excused—3

| | | |
|---------|----------|--------|
| Dingell | Schuette | Vaughn |
|---------|----------|--------|

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 940, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

(For text of amendments, see Senate Journal No. 22, p. 539.)

The question being on concurring in the amendments made to the bill by the House, Senator Van Regenmorter offered the following amendment to the amendments:

1. Amend House Amendment No. 2, page 2, following line 26, enacting section 1, after “effect” by striking out “May 1” and inserting “April 22”.

The amendment to the amendments was adopted.

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

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

Roll Call No. 324**Yeas—35**

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

Nays—0**Excused—3**

| | | |
|---------|----------|--------|
| Dingell | Schuette | Vaughn |
|---------|----------|--------|

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 full title.

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

Senator Schuette entered the Senate Chamber.

Senate Bill No. 1105, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2003; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has amended the Senate amendments as follows:

1. Amend Senate Amendment No. 2, page 19, line 1, after “Sec. 312.” by striking out the balance of the amendment and inserting “(1) From the funds appropriated in part 1, the Michigan higher education assistance authority shall establish and administer the nursing scholarship program. The department of treasury shall disburse the amount of the scholarship awards determined under subsection (2) to recipients.

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. 346, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2922a (MCL 600.2922a), as added by 1998 PA 211.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 11, by inserting:

"Enacting section 1. This amendatory act applies to a cause of action arising on or after May 1, 2002."

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

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

Senator Emmons moved that the rule be suspended.

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

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

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

Roll Call No. 326

Yeas—36

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

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Hoffman

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

House Bill No. 5763, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 19, 20, 27, 29, 32, and 48 (MCL 421.19, 421.20, 421.27, 421.29, 421.32, and 421.48), section 19 as amended by 1996 PA 535, section 20 as amended by 1994 PA 162, section 27 as amended by 1995 PA 181, section 29 as amended by 1995 PA 25, section 32 as amended by 1996 PA 503, and section 48 as amended by 1983 PA 164, and by adding sections 13l and 32b.

The House of Representatives has nonconcurred in the Senate substitute (S-3) and appointed Reps. Rick Johnson, Bisbee and Thomas as conferees.

The message was referred to the Secretary for record.

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

The following messages from the Governor were received and read:

March 20, 2002

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

Board of Marriage and Family Therapy

Mr. Joseph J.H. Horak, 2207 Sandstone Drive, Jenison, Michigan 49428, county of Ottawa, as a member representing licensed marriage and family therapists, succeeding himself, for a term beginning on July 1, 2002 and expiring on June 30, 2006.

Dr. Tracey L. Stulberg, 611 Humphrey, Birmingham, Michigan 48009, county of Oakland, as a member representing licensed marriage and family therapists, succeeding himself, for a term expiring on June 30, 2005.

Mr. Scott L. Hickman, 2975 Russett Road, Petoskey, Michigan 49770, county of Emmet, as a member representing the general public, succeeding Mrs. Linda Howard of Remus, whose term has expired, for a term expiring on June 30, 2004.

Dr. Jennifer Beth Hutchings, 10968 Riverview Drive, Big Rapids, Michigan 49307, county of Mecosta, as a member representing licensed marriage and family therapists, succeeding Dr. David G. Beighley of Muskegon, whose term has expired, for a term expiring on June 30, 2005.

Ms. Margaret A. Glatfelter, 4530 Bantry, West Bloomfield, Michigan 48322, county of Oakland, as a member representing the general public, succeeding Ms. Joyce E. Olkowski of Dearborn, who has resigned, for a term expiring on June 30, 2005.

March 20, 2002

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

Michigan State Hospital Finance Authority

Ms. Dorothy E. Deremo, 37844 Meadowhill Drive, Northville, Michigan 48167, county of Wayne, as a member representing the general public, succeeding Mr. William E. Smith of Ewart, whose term has expired, for a term expiring on March 1, 2006.

Ms. Kathleen Schmaltz, 2300 Foote Manor Drive, Jackson, Michigan 49203, county of Jackson, as a member representing the general public, for a term expiring on March 1, 2006.

Sincerely,
 John Engler
 Governor

The appointments were referred to the Committee on Government Operations.

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

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Garcia as Chairperson.

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

Senate Bill No. 991, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2103, 2105, 2111, 2117, 2118, and 2121 (MCL 500.2103, 500.2105, 500.2111, 500.2117, 500.2118, and 500.2121), section 2103 as amended by 2001 PA 147, section 2111 as amended by 1996 PA 98, section 2117 as amended by 2001 PA 25, section 2118 as amended by 1988 PA 43, and section 2121 as amended by 1998 PA 26.

Substitute (S-1).

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

1. Amend page 23, line 13, by striking out all of subsection (3).
2. Amend page 23, line 16, after "SUBSECTION" by striking out "(4)(A)" and inserting "(4)(C)".
3. Amend page 24, line 20, after "An" by striking out "HO-3" and inserting "HO-2".

4. Amend page 24, line 21, after "the" by striking out "HO-3" and inserting "HO-2".
5. Amend page 24, line 23, after "organization." by striking out the balance of the subdivision.
6. Amend page 25, following line 3, by inserting:

"(C) AN HO-3 FORM REPLACEMENT COST POLICY EQUIVALENT TO THE HO-3 FORM REPLACEMENT COST POLICY FILED AND IN EFFECT IN THIS STATE FOR A LICENSED RATING ORGANIZATION. THE RATES ESTABLISHED BY THE POOL FOR THE HO-3 FORM REPLACEMENT COST POLICY OFFERED PURSUANT TO THIS SUBDIVISION SHALL BE ACTUARIALLY SOUND. RATES ESTABLISHED BY THE POOL UNDER THIS SUBDIVISION SHALL NOT BE BASED UPON THE WEIGHTED AVERAGE METHODOLOGY PROVIDED FOR IN SUBSECTION (1).".

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

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 991

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

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

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

House Bill No. 5411
House Bill No. 5415
House Bill No. 5421
House Bill No. 5422
Senate Bill No. 717
Senate Bill No. 991
House Bill No. 5211
Senate Bill No. 380
Senate Bill No. 1066
Senate Bill No. 1086
Senate Bill No. 1167
Senate Bill No. 1168
Senate Bill No. 1169
Senate Bill No. 1170
Senate Bill No. 1171
Senate Bill No. 1172
Senate Bill No. 1173
Senate Bill No. 1174
Senate Bill No. 1175
Senate Bill No. 1176
Senate Bill No. 1177
Senate Bill No. 1178
Senate Bill No. 1179
Senate Bill No. 1180
Senate Bill No. 1181
Senate Bill No. 1182
Senate Bill No. 1201
Senate Bill No. 439
Senate Bill No. 440
Senate Bill No. 441
Senate Bill No. 442
Senate Bill No. 443
Senate Bill No. 760
Senate Bill No. 438

The motion prevailed.

The following bill was read a third time:

House Bill No. 5411, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1225 (MCL 380.1225), as amended by 1997 PA 152.

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. 327

Yeas—36

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

Nays—0

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5415, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1356 (MCL 380.1356), as amended by 1993 PA 312.

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. 328**Yeas—35**

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

Nays—0**Excused—3**

| | | |
|--------|---------|--------|
| DeGrow | Dingell | Vaughn |
|--------|---------|--------|

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5421, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 126 (MCL 389.126).

The question being on the passage of the bill,

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

Roll Call No. 329**Yeas—35**

| | | | |
|---------|-------------|----------|---------|
| Bennett | Gast | McCotter | Scott |
| Bullard | Goschka | McManus | Shugars |
| Byrum | Gougeon | Miller | Sikkema |
| Cherry | Hammerstrom | Murphy | Smith |

DeBeaussaert
Dunaskiss
Emerson
Emmons
Garcia

Hart
Hoffman
Johnson
Koivisto
Leland

North
Peters
Sanborn
Schuette
Schwarz

Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

DeGrow

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

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

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

“An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5422, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 127 (MCL 389.127), as added by 1982 PA 342.

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. 330

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
Dunaskiss
Emerson
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

DeGrow

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

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

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

“An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 717, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending section 19 (MCL 125.1519).

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. 331**Yeas—35**

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

Nays—0**Excused—3**

| | | |
|--------|---------|--------|
| DeGrow | Dingell | Vaughn |
|--------|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator DeGrow entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 991, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2103, 2111, 2117, 2118, 2121, 2930, and 2930a (MCL 500.2103, 500.2111, 500.2117, 500.2118, 500.2121, 500.2930, and 500.2930a), section 2103 as amended by 2001 PA 147, section 2111 as amended by 1996 PA 98, section 2117 as amended by 2001 PA 25, section 2118 as amended by 1988 PA 43, section 2121 as amended by 1998 PA 26, and section 2930a as amended by 1980 PA 461.

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. 332

Yeas—24

| | | | |
|-----------|-------------|----------|-----------------|
| Bennett | Gast | Koivisto | Schuette |
| Bullard | Goschka | McCotter | Shugars |
| DeGrow | Gougeon | McManus | Sikkema |
| Dunaskiss | Hammerstrom | Miller | Steil |
| Emmons | Hoffman | North | Stille |
| Garcia | Johnson | Sanborn | Van Regenmorter |

Nays—12

| | | | |
|--------------|---------|---------|-------|
| Byrum | Emerson | Murphy | Scott |
| Cherry | Hart | Peters | Smith |
| DeBeaussaert | Leland | Schwarz | Young |

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5211, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 19 (MCL 211.19), as amended by 1996 PA 126; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

1. Amend page 3, line 11, after “(8)” by striking out the balance of the subsection and inserting “A FACSIMILE OR ELECTRONIC SIGNATURE DOES NOT SATISFY THE FILING REQUIREMENT OF THIS SECTION UNLESS THE PERSON SUBMITTING THE FACSIMILE OR ELECTRONIC SIGNATURE HAS FILED WITH THE STATE TAX COMMISSION FOR THAT TAX YEAR A SIGNED DECLARATION UNDER OATH ON A FORM PRESCRIBED BY THE STATE TAX COMMISSION THAT EACH OF THE STATEMENTS FILED BY THE TAXPAYER WITH THE SUPERVISOR OR ASSESSOR CONTAINING THE FACSIMILE OR ELECTRONIC SIGNATURE IS TRUE AND CORRECT.”

The amendment was not adopted, a majority of the members serving not 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. 333**Yeas—23**

| | | | |
|-----------|-------------|----------|-----------------|
| Bennett | Gast | McCotter | Shugars |
| Bullard | Goschka | McManus | Sikkema |
| DeGrow | Gougeon | North | Steil |
| Dunaskiss | Hammerstrom | Sanborn | Stille |
| Emmons | Hoffman | Schuette | Van Regenmorter |
| Garcia | Johnson | Schwarz | |

Nays—13

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

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 380, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding sections 2973 and 2974.

The question being on the passage of the bill,

Senator Young offered the following amendments:

1. Amend page 3, following line 25, by inserting:

“(3) A PERSON EMPLOYED IN AN ENTERTAINMENT FORUM AS A SECURITY GUARD SHALL COMPLETE A COURSE OF TRAINING THAT MEETS THE STANDARDS PROMULGATED BY THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS.”.

2. Amend page 5, following line 5, by inserting:

“(3) A PERSON EMPLOYED IN A SHOPPING CENTER AS A SECURITY GUARD SHALL COMPLETE A COURSE OF TRAINING THAT MEETS THE STANDARDS PROMULGATED BY THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS.”.

The question being on the adoption of the amendments,

Senator Young moved that further consideration of the amendments be postponed temporarily.

The motion prevailed.

Senator Peters offered the following amendment:

1. Amend page 5, following line 5, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 420 and Senate Bill No. 425 of the 91st Legislature are enacted into law.”.

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

Senator Peters 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. 334

Yeas—13

Byrum
Cherry
DeBeaussaert
Emerson

Hart
Koivisto
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Nays—22

Bennett
Bullard
Dunaskiss
Emmons
Garcia
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—2

Dingell

Vaughn

Not Voting—1

DeGrow

In The Chair: Schwarz

Protest

Senator Hoffman, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Peters to Senate Bill No. 380.

Senator Hoffman's statement is as follows:

I don't think that the member from the 14th District necessarily understood what I said. The reason I voted against the amendment is because in the spirit of bipartisanship, I would think that one would be considerate enough to share the amendment to let folks know what you're doing. If you want cooperation, I would share amendments. That is what I was trying to encourage.

The idea that we tie-bar all these bills to one super bill just means that you're going to have a long train, and if one goes down, they all go down. This Senate Bill No. 380 is going to live its own life. Senate Bill Nos. 425 and 420 are already tie-barred together, and I think we have another tie-bar out there on another couple Senate bills dealing with this issue. If we want bipartisanship and cooperation, then we're going to have to share the amendments before they're offered on the floor for the first time. I think that that's being decent.

By unanimous consent the Senate returned to consideration of the amendments offered by Senator Young.

The question being on the adoption of the amendments,

The amendments were not adopted, a majority of the members serving not 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. 335

Yeas—23

| | | | |
|-----------|-------------|----------|-----------------|
| Bennett | Gast | McCotter | Shugars |
| Bullard | Goschka | McManus | Sikkema |
| DeGrow | Gougeon | North | Steil |
| Dunaskiss | Hammerstrom | Sanborn | Stille |
| Emmons | Hoffman | Schuette | Van Regenmorter |
| Garcia | Johnson | Schwarz | |

Nays—13

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

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Young and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 380.

Senator Young's statement is as follows:

The amendment that I offered that I requested support for on this bill would have required that a person employed as a security guard in an entertainment forum or shopping mall would have to receive training that would meet the standards promulgated by the Michigan Commission on Law Enforcement Standards.

I have pursued mandatory training for security guards for many years. During the 1989-90 session, I introduced legislation in the House that would have provided for a strict regime of training for such personnel.

In fact, with the passage of this bill, the need for mandatory training becomes even more acute. If security guards and their employers are going to be provided civil court immunity for injuries or death caused by their actions, we must ensure that these guards are properly trained so they do not present a threat to the public safety. For if the civil justice system does not provide adequate incentives to ensure security guards are not a danger to the people they are supposed to protect, it is incumbent on government to provide the needed regulation.

The Michigan Commission on Law Enforcement Standards has had internal discussions regarding standards for training programs for some time now. I feel confident that this very professional organization would have been capable of developing the necessary standards for training quickly and effectively.

It's for this reason, that this bill does not contain those training clauses, that I voted "no."

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

The motion prevailed.

Senator Scott's statement is as follows:

I rise in opposition to Senate Bill No. 380 for several reasons. This bill would limit the liability of entertainment forums and shopping centers by providing that a person could not recover damages of any kind for unlawful arrest and assault if the entertainment forum had reason to believe that the person violated the terms for admission or created a nuisance at the entertainment forum. While this bill would not prevent a person from collecting damages if security personnel used excessive force in handling a situation, any force that is considered less than excessive, even unreasonable, would prevent a civil action for damages. There was testimony in committee that if a security officer uses unreasonable force while confronting a patron, it could result in death or serious injury. Why would we limit the liability for conduct that may lead to serious injury or death?

I'm concerned about the overly vague and overly broad language contained in this bill. For example, creating a nuisance would mean a situation where the patron engaged in conduct that significantly interfered with the right of other individuals to view or hear the performance. Under this definition, I could be creating a nuisance for excessive cheering or banner waving at a sporting event. I'm concerned that this bill may result in a disproportionate physical response by security guards by allowing security guards to use unreasonable force to remove individuals from the premises if that person refused to remain in his or her designated seat.

The fact is that this bill would reduce accountability of owners of arenas and shopping centers, resulting in free reign for poorly-trained security forces like those who have been involved in injuring and sometimes killing patrons at these establishments. I refer to a handout that was handed to each and every one of you that says "Senate Bill No. 380—Moving in the Wrong Directions."

Why would we provide protection for abusive behavior towards spectators at sporting events and concerts by passing legislation that could increase the risk of injury or death to residents of this state? For these reasons, I cannot support this bill, and I urge my colleagues to vote "no."

Senator Emmons moved to reconsider the vote by which the following bill was passed:

House Bill No. 5411, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1225 (MCL 380.1225), as amended by 1997 PA 152.

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

The question being on the passage of the bill,

Senator Emmons offered the following substitute:

Substitute (S-1).

The substitute 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. 336

Yeas—36

| | | | |
|-------------|-------------|----------|---------|
| Bennett | Garcia | Leland | Schwarz |
| Bullard | Gast | McCotter | Scott |
| Byrum | Goschka | McManus | Shugars |
| Cherry | Gougeon | Miller | Sikkema |
| DeBeussaert | Hammerstrom | Murphy | Smith |
| DeGrow | Hart | North | Steil |

Dunaskiss
Emerson
Emmons

Hoffman
Johnson
Koivisto

Peters
Sanborn
Schuette

Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved to reconsider the vote by which the following bill was passed:

House Bill No. 5415, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1356 (MCL 380.1356), as amended by 1993 PA 312.

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

The question being on the passage of the bill,
Senator Emmons offered the following substitute:

Substitute (S-1).

The substitute 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. 337

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—1

Emerson

In The Chair: Schwarz

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

Senator Emmons moved to reconsider the vote by which the following bill was passed:

House Bill No. 5421, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 126 (MCL 389.126). The motion prevailed, a majority of the members serving voting therefor.

The question being on the passage of the bill,

Senator Emmons offered the following substitute:

Substitute (S-1).

The substitute 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. 338

Yeas—35

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

Nays—0

Excused—3

| | | |
|---------|---------|--------|
| Dingell | Emerson | Vaughn |
|---------|---------|--------|

Not Voting—0

In The Chair: Schwarz

The following bill was read a third time:

Senate Bill No. 1066, entitled

A bill to amend 1986 PA 157, entitled “Michigan export development act,” by amending section 10 (MCL 447.160), as amended by 1990 PA 304.

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. 339

Yeas—35

| | | | |
|---------|---------|----------|---------|
| Bennett | Gast | McCotter | Scott |
| Bullard | Goschka | McManus | Shugars |
| Byrum | Gougeon | Miller | Sikkema |

Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emmons
Garcia

Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

Murphy
North
Peters
Sanborn
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dingell

Emerson

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1086, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending section 2 (MCL 41.722), as amended by 1995 PA 139.

The question being on the passage of the bill,

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

Roll Call No. 340

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1169, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 22 and 25 (MCL 125.1422 and 125.1425), section 22 as amended by 1999 PA 131 and section 25 as amended by 1993 PA 220.

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. 343

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1170, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 23 and 47 (MCL 125.2023 and 125.2047), section 23 as amended by 1987 PA 278.

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. 344

Yeas—36

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

Nays—0

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1171, entitled

A bill to amend 1982 PA 220, entitled “Michigan family farm development act,” by amending section 13 (MCL 285.263), as amended by 1983 PA 68.

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. 345

Yeas—36

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

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1172, entitled

A bill to amend 1945 PA 47, entitled “An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies,” by amending sections 8 and 8a (MCL 331.8 and 331.8a), section 8a as amended by 1980 PA 104; 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. 346

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1173, entitled

A bill to amend 1969 PA 38, entitled “Hospital finance authority act,” by amending sections 12 and 42 (MCL 331.42 and 331.72), section 12 as amended by 1994 PA 428 and section 42 as amended by 1992 PA 302; 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. 347

Yeas—36

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

Nays—0

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1174, entitled

A bill to amend 1969 PA 295, entitled “Higher education facilities authority act,” by amending section 6 (MCL 390.926), as amended by 1982 PA 409.

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. 348

Yeas—36

| | | | |
|---------|--------|----------|---------|
| Bennett | Garcia | Leland | Schwarz |
| Bullard | Gast | McCotter | Scott |

Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1175, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 5 (MCL 390.1155), as amended by 1984 PA 259.

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. 349

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1176, entitled

A bill to amend 1976 PA 289, entitled “An act to implement, clarify, and confirm the constitutional powers of the bodies corporate controlling those institutions of higher education named in sections 4, 5, and 6 of article 8 of the state constitution of 1963, or established by law as therein provided, regarding the establishment and financing of student loan programs,” by amending section 2 (MCL 390.1352).

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. 350

Yeas—36

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

Nays—0

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1177, entitled

A bill to amend 1964 PA 183, entitled “An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations,” by amending section 8 (MCL 830.418), as amended by 1997 PA 127.

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. 351**Yeas—36**

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

Nays—0**Excused—2**

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1178, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending section 9 (MCL 141.1059), as amended by 1988 PA 316.

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. 352**Yeas—36**

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

Nays—0**Excused—2**

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1179, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19603 (MCL 324.19603), as added by 1998 PA 288.

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. 353**Yeas—36**

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

Nays—0**Excused—2**

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1180, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 50510 (MCL 324.50510), as added by 1995 PA 57.

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. 354**Yeas—36**

| | | | |
|---------|--------|----------|---------|
| Bennett | Garcia | Leland | Schwarz |
| Bullard | Gast | McCotter | Scott |

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1182, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 76703 (MCL 324.76703), as amended by 2001 PA 78.

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. 356**Yeas—36**

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

Nays—0**Excused—2**

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1201, entitled

A bill relative to the reporting of the issuance of certain debt and securities; and to prescribe powers and duties of certain departments, agencies, officials, and employees.

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. 357**Yeas—36**

| | | | |
|---------|--------|----------|---------|
| Bennett | Garcia | Leland | Schwarz |
| Bullard | Gast | McCotter | Scott |

Byrum
Cherry
DeBeausaert
DeGrow
Dunaskiss
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 439, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 641 (MCL 168.641).

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

1. Amend page 2, line 13, after “VACANCY” by inserting a comma and “CALLED BY A SCHOOL DISTRICT TO SUBMIT A PROPOSITION TO BORROW MONEY AND ISSUE BONDS,”.

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

Senator Byrum 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. 358

Yeas—14

Byrum
Cherry
DeBeausaert
Emerson

Hart
Koivisto
Leland
Miller

Murphy
Peters
Schwarz

Scott
Smith
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Sanborn
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

Protests

Senator Emmons and DeGrow, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Byrum to Senate Bill No. 439.

Senator Emmons' statement is as follows:

I think that school elections should be held at regularly scheduled elections, so that all the voters have the opportunity to vote, especially on bonding.

Senator DeGrow's statement is as follows:

I voted "no" because under current law, schools are only allowed to go for the bond twice a year, and these bills have four dates when they can go, spread out evenly over the year. The real purpose of having a floater is to have it at a time when you can keep voter turnout depressed. As someone who's never voted against one in the Port Huron School District, I strongly support them, but I also believe I should be taking my case to the majority of the people. I want to get as many citizens as possible to vote, and these type of amendments are merely subterfuge to keep voter turnout down.

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. 359**Yeas—20**

| | | | |
|---------|-------------|----------|-----------------|
| Bennett | Gast | McManus | Shugars |
| Bullard | Gougeon | North | Sikkema |
| DeGrow | Hammerstrom | Sanborn | Steil |
| Emmons | Hoffman | Schuette | Stille |
| Garcia | Johnson | Schwarz | Van Regenmorter |

Nays—16

| | | | |
|--------------|----------|----------|--------|
| Byrum | Emerson | Leland | Peters |
| Cherry | Goschka | McCotter | Scott |
| DeBeaussaert | Hart | Miller | Smith |
| Dunaskiss | Koivisto | Murphy | Young |

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Byrum, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 439.

Senator Byrum's statement is as follows:

I vote "no" on this bill because I have serious concerns with what we are doing here. Although conceptually I am not opposed to election consolidation, I think we must do so in a constructive manner, and there is still work that needs to be done on this bill. I am not comfortable passing a package of bills that no one in the school community is supporting. Their opposition stems from the school's ability to pass bond elections be adequately funded as well as Headlee concerns.

Earlier today, we heard that one of the reasons for doing this was to get more people voting. Well, I would submit to you that if the majority party was really interested in getting more people to vote, we would not have passed the straight-ticket voting reform bill that we did earlier this year. If we are concerned about stealth elections and that is a fear, then we should be very fearful of this bill because what we have done is pass legislation that allows the Governor and the Legislature to conduct stealth elections because we have stripped all the important noticing requirements that are in current law with the passage of this bill.

Finally, I voted "no" on this bill because I think that all the groups interested need more time to review the bills before us. Many of these bills became available yesterday, and so the implications of them are still unknown. Parties affected by the bills have asked for more time to review them, and I think that this is a reasonable request.

I do, however, appreciate the diligent work of Senator Hammerstrom and her staff on this bill and the package that will follow. And I hope that the House is able to address some of the issues that I have raised, and it can come back to us in a form we can all support.

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

The following bill was read a third time:

Senate Bill No. 440, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 3, 4, 321, 322, 358a, 370, 381, 382, 473b, 497, 498, 509aa, 509cc, 538, 598, 635, 643, 644e, 644g, 646a, 821, 963, and 971 (MCL 168.2, 168.3, 168.4, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.473b, 168.497, 168.498, 168.509aa, 168.509cc, 168.538, 168.598, 168.635, 168.643, 168.644e, 168.644g, 168.646a, 168.821, 168.963, and 168.971), section 2 as amended by 1999 PA 216, section 321 as amended by 1994 PA 277, section 322 as amended by 1999 PA 218, section 358a as amended by 1990 PA 235, section 370 as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 473b as added by 1999 PA 219, section 497 as amended by 1989 PA 142, section 498 as amended by 1984 PA 89, section 509aa as amended by 2001 PA 269, section 509cc as added by 1994 PA 441, section 598 as amended by 1988 PA 116, section 643 as amended by 1998 PA 364, section 646a as amended by 1990 PA 7, section 821 as amended by 1988 PA 275, and section 963 as amended by 1999 PA 220, and by adding chapter XIV and sections 642 and 642a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senators Stille and Hammerstrom offered the following amendments:

1. Amend page 40, line 9, after "821." by inserting "(1)".
2. Amend page 40, line 12, after "county." by striking out "For" and inserting "EXCEPT AS PROVIDED IN SUBSECTION (2), FOR".
3. Amend page 40, following line 13, by inserting:

"(2) IF, AT AN ELECTION HELD ON THE MAY ELECTION DAY, A PROPOSITION APPEARS ON THE BALLOT CONCERNING AUTHORIZED MILLAGE THAT IS SUBJECT TO A MILLAGE REDUCTION AS PROVIDED IN SECTION 34D OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.34D, THE BOARD OF COUNTY CANVASSERS SHALL MEET TO CANVASS AND CERTIFY THE RESULTS OF THE VOTE ON THAT PROPOSITION AFTER MAY 31 AND BEFORE JUNE 15 FOLLOWING THE ELECTION."

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

The question being on the passage of the bill,

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

Roll Call No. 360

Yeas—21

Bennett
Bullard

Gougeon
Hammerstrom

McManus
North

Shugars
Sikkema

| | | | |
|--------|---------|----------|-----------------|
| DeGrow | Hoffman | Sanborn | Steil |
| Emmons | Johnson | Schuette | Stille |
| Garcia | Leland | Schwarz | Van Regenmorter |
| Gast | | | |

Nays—14

| | | | |
|--------------|----------|----------|--------|
| Byrum | Emerson | McCotter | Peters |
| Cherry | Goschka | Miller | Scott |
| DeBeaussaert | Hart | Murphy | Smith |
| Dunaskiss | Koivisto | | |

Excused—3

| | | |
|---------|--------|-------|
| Dingell | Vaughn | Young |
|---------|--------|-------|

Not Voting—0

In The Chair: Schwarz

Senator Hammerstrom offered to amend the title to read as follows:

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 2, 3, 4, 321, 322, 358a, 370, 381, 382, 473b, 497, 498, 509aa, 509cc, 538, 598, 635, 643, 644e, 644g, 646a, 821, 963, and 971 (MCL 168.2, 168.3, 168.4, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.473b, 168.497, 168.498, 168.509aa, 168.509cc, 168.538, 168.598, 168.635, 168.643, 168.644e, 168.644g, 168.646a, 168.821, 168.963, and 168.971), section 2 as amended by 1999 PA 216, section 321 as amended by 1994 PA 277, section 322 as amended by 1999 PA 218, section 358a as amended by 1990 PA 235, section 370 as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 473b as added by 1999 PA 219, section 497 as amended by 1989 PA 142, section 498 as amended by 1984 PA 89, section 509aa as amended by 2001 PA 269, section 509cc as added by 1994 PA 441, section 598 as amended by 1988 PA 116, section 643 as amended by 1998 PA 364, section 646a as amended by 1990 PA 7, section 821 as amended by 1988 PA 275, and section 963 as amended by 1999 PA 220, and by adding chapter XIV and sections 642, 642a, and 659; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 441, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending sections 3, 8, 11, 21, 25, and 26 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, and 117.26), section 3 as amended by 1999 PA 260 and section 25 as amended by 1982 PA 200.

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. 361**Yeas—33**

| | | | |
|---------|-------------|---------|---------|
| Bennett | Gast | Leland | Schwarz |
| Bullard | Goschka | McManus | Scott |
| Byrum | Gougeon | Miller | Shugars |
| Cherry | Hammerstrom | Murphy | Sikkema |

DeBeaussaert
DeGrow
Emerson
Emmons
Garcia

Hart
Hoffman
Johnson
Koivisto

North
Peters
Sanborn
Schuette

Smith
Steil
Stille
Van Regenmorter

Nays—2

Dunaskiss

McCotter

Excused—3

Dingell

Vaughn

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 442, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending sections 4, 7, 21, and 23 (MCL 78.4, 78.7, 78.21, and 78.23), section 23 as amended by 1999 PA 258.

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. 362

Yeas—33

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Emerson
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter

Nays—2

Dunaskiss

McCotter

Excused—3

Dingell

Vaughn

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 443, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 1, 3, 4, 5, 6, and 13 of chapter II, sections 1, 2, 3, and 7 of chapter III, section 3 of chapter V, section 23 of chapter IX, section 3 of chapter XII, and sections 18a and 23g of chapter XIV (MCL 62.1, 62.3, 62.4, 62.5, 62.6, 62.13, 63.1, 63.2, 63.3, 63.7, 65.3, 69.23, 72.3, 74.18a, and 74.23g), sections 1, 4, 5, 6, and 13 of chapter II, sections 2 and 7 of chapter III, and section 3 of chapter V as amended and section 3 of chapter III as added by 1998 PA 255 and section 3 of chapter XII and section 18a of chapter XIV as amended and section 23g of chapter XIV as added by 1998 PA 254.

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. 363**Yeas—33**

| | | | |
|--------------|-------------|----------|-----------------|
| Bennett | Gast | Leland | Schwarz |
| Bullard | Goschka | McManus | Scott |
| Byrum | Gougeon | Miller | Shugars |
| Cherry | Hammerstrom | Murphy | Sikkema |
| DeBeaussaert | Hart | North | Smith |
| DeGrow | Hoffman | Peters | Steil |
| Emerson | Johnson | Sanborn | Stille |
| Emmons | Koivisto | Schuette | Van Regenmorter |
| Garcia | | | |

Nays—2

| | |
|-----------|----------|
| Dunaskiss | McCotter |
|-----------|----------|

Excused—3

| | | |
|---------|--------|-------|
| Dingell | Vaughn | Young |
|---------|--------|-------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 760, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 30a, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 544c, 644k, 690, 862, 863, 954, and 972 (MCL 168.30a, 168.500f, 168.500g, 168.501a, 168.505,

168.509n, 168.509r, 168.509gg, 168.544c, 168.644k, 168.690, 168.862, 168.863, 168.954, and 168.972), section 501a as amended by 1995 PA 87, section 509n as amended by 1999 PA 216, sections 509r and 509gg as added by 1994 PA 441, section 544c as amended by 1999 PA 219, and section 972 as amended by 1989 PA 26; 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. 364

Yeas—20

| | | | |
|---------|-------------|----------|-----------------|
| Bennett | Gast | McManus | Shugars |
| Bullard | Gougeon | North | Sikkema |
| DeGrow | Hammerstrom | Sanborn | Steil |
| Emmons | Hoffman | Schuette | Stille |
| Garcia | Johnson | Schwarz | Van Regenmorter |

Nays—15

| | | | |
|--------------|----------|----------|--------|
| Byrum | Emerson | Leland | Peters |
| Cherry | Goschka | McCotter | Scott |
| DeBeaussaert | Hart | Miller | Smith |
| Dunaskiss | Koivisto | Murphy | |

Excused—3

| | | |
|---------|--------|-------|
| Dingell | Vaughn | Young |
|---------|--------|-------|

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 438, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 4, 5, 6, 11a, 14, 503, 613, 614, 616, 617, 629, 661, 681, 682, 687, 690, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1211c, 1212, 1216, 1351, 1361, 1451, 1722, and 1724 (MCL 380.4, 380.5, 380.6, 380.11a, 380.14, 380.503, 380.613, 380.614, 380.616, 380.617, 380.629, 380.661, 380.681, 380.682, 380.687, 380.690, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945, 380.1211c, 380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and 380.1724), sections 5 and 14 as amended by 1999 PA 23, sections 6, 503, and 690 as amended and section 11a as added by 1995 PA 289, sections 614, 857, and 858 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, section 629 as amended by 1997 PA 152, sections 681, 682, 705, 1451, and 1724 as amended by 1994 PA 258, section 687 as amended by 2002 PA 62, section 703 as amended by 1981 PA 87, section 945 as added by 1984 PA 154, section 1211c as amended by 1994 PA 344, section 1212 as amended by 1993 PA 312, section 1216 as amended by 2002 PA 64, and section 1351 as amended by 2002 PA 67, and by adding section 1206; 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. 365**Yeas—21**

| | | | |
|---------|-------------|----------|-----------------|
| Bennett | Gast | McManus | Shugars |
| Bullard | Gougeon | North | Sikkema |
| Byrum | Hammerstrom | Sanborn | Steil |
| DeGrow | Hoffman | Schuette | Stille |
| Emmons | Johnson | Schwarz | Van Regenmorter |
| Garcia | | | |

Nays—14

| | | | |
|--------------|----------|----------|--------|
| Cherry | Goschka | McCotter | Peters |
| DeBeaussaert | Hart | Miller | Scott |
| Dunaskiss | Koivisto | Murphy | Smith |
| Emerson | Leland | | |

Excused—3

| | | |
|---------|--------|-------|
| Dingell | Vaughn | Young |
|---------|--------|-------|

Not Voting—0

In The Chair: Schwarz

Senator Hammerstrom offered to amend the title to read as follows:

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 11a, 14, 503, 613, 614, 616, 617, 629, 661, 681, 682, 687, 690, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351, 1361, 1451, 1722, and 1724 (MCL 380.4, 380.5, 380.6, 380.11a, 380.14, 380.503, 380.613, 380.614, 380.616, 380.617, 380.629, 380.661, 380.681, 380.682, 380.687, 380.690, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945, 380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and 380.1724), sections 5 and 14 as amended by 1999 PA 23, sections 6, 503, and 690 as amended and section 11a as added by 1995 PA 289, sections 614, 857, and 858 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, section 629 as amended by 1997 PA 152, sections 681, 682, 705, 1451, and 1724 as amended by 1994 PA 258, section 687 as amended by 2002 PA 62, section 703 as amended by 1981 PA 87, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 2002 PA 64, and section 1351 as amended by 2002 PA 67, and by adding section 1206; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 468, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Genesee county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to authorize the department of natural resources to convey certain state owned parcels of property in Genesee county and Kalkaska county; to authorize the state administrative board to convey certain parcels of state owned

property in Wayne county; to prescribe conditions for the conveyances; and to provide for disposition of the revenue from the conveyances.

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

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

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

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

Roll Call No. 366

Yeas—35

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

Nays—0

Excused—3

| | | |
|---------|--------|-------|
| Dingell | Vaughn | Young |
|---------|--------|-------|

Not Voting—0

In The Chair: Schwarz

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

The Senate agreed to the title as amended.

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

Recess

Senator Emmons moved that the Senate recess until 2:00 p.m.
The motion prevailed, the time being 12:39 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the Assistant Associate President pro tempore, Senator Arthur J. Miller, Jr.

During the recess, Senator Young entered the Senate Chamber.

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

The motion prevailed.

Senator Emmons' statement is as follows:

This week will be the last week that Erik Hingst is here. He's served as my committee clerk. He's worked in my office. He's handled all sorts of things and is now leaving us and going to Texas. I've put together a tribute for Erik, and I hope he takes many fond memories with him of his work here in the Senate. Should he come back on an advance team for the President, we all expect to be part of that event. We wish Erik the very best in this new endeavor. I know he's going to do well. He did well for me. Erik, goodbye.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:04 p.m.

3:40 p.m.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5295

House Bill No. 5349

House Bill No. 5496

House Bill No. 5506

House Bill No. 5507

House Bill No. 5509

House Bill No. 5511

House Bill No. 5512

House Bill No. 5513

House Bill No. 5270

House Bill No. 5495

House Bill No. 5520

House Bill No. 5504

Senate Bill No. 1007

House Bill No. 5501

House Bill No. 4037

House Bill No. 5041

The motion prevailed.

The following bill was read a third time:

House Bill No. 5295, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 2 to chapter II.

The question being on the passage of the bill.

Senator Van Regenmorter offered the following amendment:

1. Amend page 2, line 21, after "effect" by striking out "May 1" and inserting "April 22".

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. 367

Yeas—36

Bennett
Bullard

Garcia
Gast

Leland
McCotter

Schwarz
Scott

| | | | |
|--------------|-------------|----------|-----------------|
| Byrum | Goschka | McManus | Shugars |
| Cherry | Gougeon | Miller | Sikkema |
| DeBeaussaert | Hammerstrom | Murphy | Smith |
| DeGrow | Hart | North | Steil |
| Dunaskiss | Hoffman | Peters | Stille |
| Emerson | Johnson | Sanborn | Van Regenmorter |
| Emmons | Koivisto | Schuette | Young |

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5349, entitled

A bill to amend 1976 PA 442, entitled “Freedom of information act,” by amending section 13 (MCL 15.243), as amended by 2001 PA 74.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 8, line 18, after “BUILDING” by striking out “AND PUBLIC WORKS” and inserting a comma and “PUBLIC WORKS, AND PUBLIC WATER SUPPLY”.

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. 368

Yeas—35

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

Nays—0

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—1

Cherry

In The Chair: Schwarz

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

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

“An act to provide for public access to certain public records of public bodies; to permit certain fees; to prescribe the powers and duties of certain public officers and public bodies; to provide remedies and penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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

Senator Cherry entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5496, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending sections 3, 7, 7a, 8, 9, 10, and 11 (MCL 30.403, 30.407, 30.407a, 30.408, 30.409, 30.410, and 30.411), sections 3, 7, 8, 9, 10, and 11 as amended and section 7a as added by 1990 PA 50, and by adding section 21; 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. 369

Yeas—36

| | | | |
|---------|--------|----------|---------|
| Bennett | Garcia | Leland | Schwarz |
| Bullard | Gast | McCotter | Scott |

| | | | |
|---------|----------|----------|-----------------|
| Emerson | Johnson | Sanborn | Van Regenmorter |
| Emmons | Koivisto | Schuette | Young |
| Garcia | Leland | Schwarz | |

Nays—0

Excused—3

| | | |
|--------|---------|--------|
| Cherry | Dingell | Vaughn |
|--------|---------|--------|

Not Voting—0

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5507, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 436 (MCL 750.436), as amended by 1988 PA 87.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 3, following line 23, enacting section 1, after “effect” by striking out “May 1” and inserting “April 22”.

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. 371

Yeas—35

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

Nays—0

Excused—3

Cherry

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

Senator Cherry entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5509, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411j (MCL 750.411j), as amended by 1997 PA 75.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 6, following line 25, enacting section 1, after “effect” by striking out “May 1” and inserting “April 22”.

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. 372**Yeas—35**

Bennett

Garcia

Leland

Scott

Bullard

Gast

McCotter

Shugars

Byrum

Goschka

McManus

Sikkema

Cherry

Gougeon

Murphy

Smith

DeBeaussaert

Hammerstrom

North

Steil

DeGrow

Hart

Peters

Stille

Dunaskiss

Hoffman

Sanborn

Van Regenmorter

Emerson

Johnson

Schuette

Young

Emmons

Koivisto

Schwarz

Nays—0**Excused—2**

Dingell

Vaughn

Not Voting—1

Miller

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

Senator Emerson moved that Senator Miller be temporarily excused from the balance of today’s session.

The motion prevailed.

Senator Miller entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5512, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 543x.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 1, line 8, after “effect” by striking out “May 1” and inserting “April 22”.

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. 373**Yeas—36**

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

Nays—0**Excused—2**

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5511, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendments:

1. Amend page 3, line 20, after “effect” by striking out “May 1” and inserting “April 22”.
2. Amend page 3, following line 21, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 940 of the 91st Legislature is enacted into law.”

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

The question being on the passage of the bill,

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

Roll Call No. 374

Yeas—33

| | | | |
|--------------|-------------|---------|-----------------|
| Bennett | Gougeon | McManus | Scott |
| Bullard | Hammerstrom | Miller | Shugars |
| Byrum | Hart | Murphy | Sikkema |
| DeBeaussaert | Hoffman | North | Smith |
| Dunaskiss | Johnson | Peters | Steil |
| Emmons | Koivisto | Sanborn | Stille |
| Garcia | Leland | Schuetz | Van Regenmorter |
| Gast | McCotter | Schwarz | Young |
| Goschka | | | |

Nays—0

Excused—5

| | | | |
|--------|---------|---------|--------|
| Cherry | Dingell | Emerson | Vaughn |
| DeGrow | | | |

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

Senator Emerson moved that he and Senator Cherry be temporarily excused from the balance of today’s session. The motion prevailed.

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

The following bill was read a third time:

House Bill No. 5513, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 4701 and 4702 (MCL 600.4701 and 600.4702), section 4701 as amended by 2000 PA 184 and section 4702 as added by 1988 PA 104.

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. 375

Yeas—33

| | | | |
|--------------|-------------|----------|-----------------|
| Bennett | Gougeon | McManus | Scott |
| Bullard | Hammerstrom | Miller | Shugars |
| Byrum | Hart | Murphy | Sikkema |
| DeBeaussaert | Hoffman | North | Smith |
| Dunaskiss | Johnson | Peters | Steil |
| Emmons | Koivisto | Sanborn | Stille |
| Garcia | Leland | Schuette | Van Regenmorter |
| Gast | McCotter | Schwarz | Young |
| Goschka | | | |

Nays—0

Excused—5

| | | | |
|--------|---------|---------|--------|
| Cherry | Dingell | Emerson | Vaughn |
| DeGrow | | | |

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5270, entitled

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 780.651), as amended by 1990 PA 43.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 3, line 15, after "effect" by striking out "May 1" and inserting "April 22".

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. 376

Yeas—33

| | | | |
|-------------|-------------|----------|-----------------|
| Bennett | Gougeon | McManus | Scott |
| Bullard | Hammerstrom | Miller | Shugars |
| Byrum | Hart | Murphy | Sikkema |
| DeBeussaert | Hoffman | North | Smith |
| Dunaskiss | Johnson | Peters | Steil |
| Emmons | Koivisto | Sanborn | Stille |
| Garcia | Leland | Schuette | Van Regenmorter |
| Gast | McCotter | Schwarz | Young |
| Goschka | | | |

Nays—0

Excused—5

| | | | |
|--------|---------|---------|--------|
| Cherry | Dingell | Emerson | Vaughn |
| DeGrow | | | |

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:

House Bill No. 5495, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 2, line 6, after "effect" by striking out "May 1" and inserting "April 22".

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. 377

Yeas—33

| | | | |
|---------|-------------|---------|---------|
| Bennett | Gougeon | McManus | Scott |
| Bullard | Hammerstrom | Miller | Shugars |

| | | | |
|--------------|----------|---------|-----------------|
| Byrum | Hart | Murphy | Sikkema |
| DeBeaussaert | Hoffman | North | Smith |
| Dunaskiss | Johnson | Peters | Steil |
| Emmons | Koivisto | Sanborn | Stille |
| Garcia | Leland | Schuetz | Van Regenmorter |
| Gast | McCotter | Schwarz | Young |
| Goschka | | | |

Nays—0**Excused—5**

| | | | |
|--------|---------|---------|--------|
| Cherry | Dingell | Emerson | Vaughn |
| DeGrow | | | |

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5520, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 22 of chapter XVII (MCL 777.22), as amended by 2000 PA 279.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 2, line 15, after “effect” by striking out “May 1” and inserting “April 22”.

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. 378**Yeas—32**

| | | | |
|--------------|-------------|----------|-----------------|
| Bennett | Goschka | McCotter | Schwarz |
| Bullard | Gougeon | McManus | Scott |
| Byrum | Hammerstrom | Miller | Shugars |
| DeBeaussaert | Hart | Murphy | Sikkema |
| Dunaskiss | Hoffman | North | Steil |
| Emmons | Johnson | Peters | Stille |
| Garcia | Koivisto | Sanborn | Van Regenmorter |
| Gast | Leland | Schuetz | Young |

Nays—1

Smith

Excused—5Cherry
DeGrow

Dingell

Emerson

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

Senators Cherry, DeGrow and Emerson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5504, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 307, 312f, 319b, and 732 (MCL 257.307, 257.312f, 257.319b, and 257.732), section 307 as amended by 2001 PA 159, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, and section 732 as amended by 2001 PA 134.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 32, following line 7, following section 806, by striking out all of enacting section 1 and inserting:

“Enacting section 1. Sections 307, 312f, 319b, and 732 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, 257.312f, 257.319b, and 257.732, as amended by this amendatory act take effect April 22, 2002.”

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. 379**Yeas—36**Bennett
BullardGarcia
GastLeland
McCotterSchwarz
Scott

| | | | |
|--------------|-------------|----------|-----------------|
| Byrum | Goschka | McManus | Shugars |
| Cherry | Gougeon | Miller | Sikkema |
| DeBeaussaert | Hammerstrom | Murphy | Smith |
| DeGrow | Hart | North | Steil |
| Dunaskiss | Hoffman | Peters | Stille |
| Emerson | Johnson | Sanborn | Van Regenmorter |
| Emmons | Koivisto | Schuette | Young |

Nays—0

Excused—2

Dingell

Vaughn

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.

Senator Sikkema offered to amend the title to read as follows:

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 307, 312f, 319b, 732, and 806 (MCL 257.307, 257.312f, 257.319b, 257.732, and 257.806), section 307 as amended by 2001 PA 159, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, section 732 as amended by 2001 PA 134, and section 806 as amended by 2001 PA 268.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Emmons moved that Senators DeGrow and Steil be temporarily excused from the balance of today’s session. The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1007, entitled

A bill to amend 1996 PA 354, entitled “Savings bank act,” (MCL 487.3101 to 487.3804) by adding section 514.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

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

“Enacting section 1. This amendatory act takes effect May 1, 2002.”.

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

Senator Emerson moved that he and Senator Cherry be temporarily excused from the balance of today's session. The motion prevailed.

The question being on the passage of the bill,
The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 380**Yeas—32**

| | | | |
|--------------|-------------|-----------|-----------------|
| Bennett | Goschka | McCotter | Schwarz |
| Bullard | Gougeon | McManus | Scott |
| Byrum | Hammerstrom | Miller | Shugars |
| DeBeaussaert | Hart | Murphy | Sikkema |
| Dunaskiss | Hoffman | North | Smith |
| Emmons | Johnson | Peters | Stille |
| Garcia | Koivisto | Sanborn | Van Regenmorter |
| Gast | Leland | Schuetter | Young |

Nays—0**Excused—6**

| | | | |
|--------|---------|-------|--------|
| Cherry | Dingell | Steil | Vaughn |
| DeGrow | Emerson | | |

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. 5501, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending sections 105, 179, and 310 (MCL 32.505, 32.579, and 32.710), sections 105 and 179 as amended by 1998 PA 212 and section 310 as amended by 1990 PA 301, and by adding section 372a.

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. 381**Yeas—31**

| | | | |
|--------------|-------------|-----------|-----------------|
| Bennett | Goschka | McCotter | Schwarz |
| Bullard | Gougeon | McManus | Scott |
| Byrum | Hammerstrom | Miller | Shugars |
| DeBeaussaert | Hart | Murphy | Sikkema |
| Dunaskiss | Hoffman | North | Stille |
| Emmons | Johnson | Peters | Van Regenmorter |
| Garcia | Koivisto | Sanborn | Young |
| Gast | Leland | Schuetter | |

Nays—0

Excused—6

Cherry
DeGrow

Dingell
Emerson

Steil

Vaughn

Not Voting—1

Smith

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows: “An act to provide for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; and to repeal acts and parts of acts.”. The Senate agreed to the full title.

Senators Cherry, Steil and DeGrow entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4037, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 310 (MCL 257.310), as amended by 2001 PA 216.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 7, line 6, after “effect” by striking out “May 1” and inserting “April 22”.

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. 382

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dingell

Emerson

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5041, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 12d to chapter XVII.

The question being on the passage of the bill,
Senator Van Regenmorter offered the following substitute:
Substitute (S-2).

The substitute 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. 383**Yeas—36**

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

Nays—0**Excused—2**

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

Senator Smith stated that she had intended to vote “yea” on the passage of the following bill:

House Bill No. 5501

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 5732, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending sections 1b, 1d, 5, 11, 13, 19, 20, 20d, 21, 24, 33, 38, 46, 48, 49, and 52 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.33, 38.38, 38.46, 38.48, 38.49, and 38.52), section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 11 and 13 as amended and section 52 as added by 1996 PA 487, section 19 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, and section 48 as added by 1990 PA 110, and by adding section 19g.

Substitute (S-1).

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

1. Amend page 11, line 4, after “THE” by inserting “DEPARTMENT DOES BOTH OF THE FOLLOWING:

(A) AT LEAST 45 DAYS BEFORE THE INTENDED TRANSFER, SUBMITS A REQUEST TO THE CHAIRS OF THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES AND, AT LEAST 15 DAYS BEFORE THE INTENDED TRANSFER, OBTAINS THE APPROVAL OF BOTH THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES.

(B) ENSURES THAT THE REQUEST SUBMITTED TO THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES CONTAINS AN”.

2. Amend page 11, line 5, after “38” by inserting “THAT”.

3. Amend page 23, following line 21, by inserting:

“(iii) THE MEMBER IS EMPLOYED IN A COVERED POSITION AS DEFINED IN SECTION 45 AND MEETS THE CONDITIONS FOR ELIGIBILITY FOR A SUPPLEMENTAL EARLY RETIREMENT ALLOWANCE UNDER SECTION 46.”.

4. Amend page 24, line 17, by striking out all of subdivision (E) and relettering the remaining subdivision.
5. Amend page 26, line 5, after "PAYMENTS" by striking out the balance of the sentence and inserting "ARE NOT PENSIONS, ANNUITIES, RETIREMENT ALLOWANCES, OPTIONAL BENEFITS, OR ANY OTHER RIGHTS DESCRIBED IN SECTION 40(1), ARE NOT EXEMPT FROM TAXATION, ARE SUBJECT TO EXECUTION, GARNISHMENT, ATTACHMENT, THE OPERATION OF BANKRUPTCY OR INSOLVENCY LAWS, OR OTHER PROCESS OF LAW, AND MAY BE ASSIGNABLE AS PROVIDED IN THIS ACT."
6. Amend page 26, line 11, after "2002." by inserting "THESE PAYMENTS ARE NOT PENSIONS, ANNUITIES, RETIREMENT ALLOWANCES, OPTIONAL BENEFITS, OR ANY OTHER RIGHTS DESCRIBED IN SECTION 40(1), ARE NOT EXEMPT FROM TAXATION, ARE SUBJECT TO EXECUTION, GARNISHMENT, ATTACHMENT, THE OPERATION OF BANKRUPTCY OR INSOLVENCY LAWS, OR OTHER PROCESS OF LAW, AND MAY BE ASSIGNABLE AS PROVIDED IN THIS ACT."
7. Amend page 29, following line 3, by inserting:
 "SEC. 19H. PAYMENTS MADE AFTER SEPTEMBER 30, 1991, UNDER SECTIONS 19B(2), 19C(2), 19D(2), 19E(2), AND 19F(3) ARE NOT PENSIONS, ANNUITIES, RETIREMENT ALLOWANCES, OPTIONAL BENEFITS, OR ANY OTHER RIGHTS DESCRIBED IN SECTION 40(1), ARE NOT EXEMPT FROM TAXATION, ARE SUBJECT TO EXECUTION, GARNISHMENT, ATTACHMENT, THE OPERATION OF BANKRUPTCY OR INSOLVENCY LAWS, OR OTHER PROCESS OF LAW, AND MAY BE ASSIGNABLE AS PROVIDED IN THIS ACT."
8. Amend page 38, line 24, after "employment," by inserting "he OR SHE shall be restored to active service with the state and".
9. Amend page 38, line 26, after "cease" by striking out "AFTER 6 MONTHS".
10. Amend page 44, following line 5, by inserting:
 "(4) A SUPPLEMENTAL MEMBER WHO IS ELIGIBLE TO RETIRE UNDER THIS SECTION AND RECEIVE A SUPPLEMENTAL RETIREMENT ALLOWANCE AS CALCULATED UNDER SECTION 47 MAY ALSO ELECT TO RETIRE AND RECEIVE A RETIREMENT ALLOWANCE UNDER SECTION 19G IF THE SUPPLEMENTAL MEMBER EXECUTES AND FILES A WRITTEN APPLICATION WITH THE RETIREMENT BOARD, ON OR AFTER APRIL 1, 2002, BUT NOT LATER THAN APRIL 30, 2002, STATING A DATE ON OR AFTER JULY 1, 2002, BUT NOT LATER THAN NOVEMBER 1, 2002, ON WHICH HE OR SHE DESIRES TO RETIRE. A SUPPLEMENTAL MEMBER MAY WITHDRAW A WRITTEN APPLICATION ON OR BEFORE MAY 15, 2002. A WRITTEN APPLICATION SUBMITTED BY A MEMBER AND NOT WITHDRAWN ON OR BEFORE MAY 15, 2002 IS IRREVOCABLE. THE SUPPLEMENTAL MEMBER WHO IS ENTITLED TO A RETIREMENT ALLOWANCE CALCULATED UNDER SECTION 19G SHALL NOT RECEIVE THE RETIREMENT ALLOWANCE CALCULATED UNDER SECTION 19G UNTIL THE SUPPLEMENTAL MEMBER HAS ATTAINED 62 YEARS OF AGE."
11. Amend page 51, line 17, by striking out all of enacting section 1 and inserting:
 "Enacting section 1. The provisions of section 19h of the state employees' retirement act, 1943 PA 240, as added by this amendatory act, are curative and intended to correct any misinterpretation of legislative intent in the Michigan court of appeals decision in Stone v. State of Michigan, Department of Treasury, docket no. 217485, and in the Michigan court of claims decision in Liken v. State of Michigan, Department of Treasury, docket no. 222588. This legislation expresses the original intent of the legislature that payments under sections 19b(2), 19c(2), 19d(2), 19e(2), and 19f(3) of the state employees' retirement act, 1943 PA 240, MCL 38.19b, 38.19c, 38.19d, 38.19e, and 38.19f were not made by the retirement system and were not pensions, annuities, retirement allowances optional benefits, or any other rights described in section 40(1) of the state employees' retirement act, 1943 PA 240, MCL 38.40, are not exempt from taxation, are subject to executions, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law, and may be assignable as provided in the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69.
- Enacting section 2. This amendatory act does not take effect unless House Bill No. 5109 of the 91st Legislature is enacted into law."
- The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5732

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

House Bill No. 5732, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 1d, 5, 11, 13, 19, 20, 20d, 21, 24, 33, 38, 46, 48, 49, and 52 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.33, 38.38, 38.46, 38.48, 38.49, and 38.52), section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 11 and 13 as amended and section 52 as added by 1996 PA 487, section 19 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, and section 48 as added by 1990 PA 110, and by adding section 19g.

The question being on the passage of the bill,

Senator Gougeon offered the following amendments:

1. Amend page 23, following line 21, by striking out all of subdivision (iii).

2. Amend page 24, following line 16, by inserting:

"(E) THE MEMBER IS NOT ELIGIBLE FOR A SUPPLEMENTAL EARLY RETIREMENT UNDER SECTION 46 AS A COVERED EMPLOYEE DEFINED IN SECTION 45 ON OR AFTER JULY 1, 2002 THROUGH THE EFFECTIVE DATE OF THE MEMBER'S RETIREMENT UNDER THIS SECTION." and relettering the remaining subdivision.

3. Amend page 25, line 19, by striking out all of subdivision (E) and inserting:

"(E) THE MEMBER IS NOT ELIGIBLE FOR A SUPPLEMENTAL EARLY RETIREMENT UNDER SECTION 46 AS A COVERED EMPLOYEE DEFINED IN SECTION 45 ON OR AFTER JULY 1, 2002 THROUGH THE EFFECTIVE DATE OF THE MEMBER'S RETIREMENT UNDER THIS SECTION."

4. Amend page 25, line 5, after "THE" by striking out "STATE CIVIL SERVICE" and inserting "EXECUTIVE BRANCH".

5. Amend page 27, line 1, after "GENERAL," by inserting "DIRECTOR OR CHAIR OF THE LEGISLATIVE RETIREMENT SYSTEM FOR A MEMBER WHO IS AN EMPLOYEE OF THE LEGISLATIVE RETIREMENT SYSTEM,".

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

"Sec. 31. (1) Except as provided in subsection (6), before the effective date of retirement, but not after the effective date of retirement, a member or deferred member who is eligible for retirement, as provided in this act, shall elect to receive his or her benefit in a retirement allowance payable throughout life, which shall be called a regular retirement allowance, or to receive the actuarial equivalent at that time of his or her regular retirement allowance in a reduced retirement allowance payable throughout the lives of the retirant and a retirement allowance beneficiary, pursuant to 1 of the following payment options:

(a) Option A. Upon the retirant's death, his or her reduced retirement allowance shall be continued throughout the life of and paid to the retirement allowance beneficiary whom the member nominated by written designation duly executed and filed with the retirement board before the effective date of his or her retirement.

(b) Option B. Upon the retirant's death, 1/2 of his or her reduced retirement allowance shall be continued throughout the life of and paid to the retirement allowance beneficiary whom the member nominated by written designation duly executed and filed with the retirement board before the effective date of his or her retirement.

(c) Option C. On and after January 1, 2000, upon the retirant's death, 3/4 of his or her reduced retirement allowance shall be continued throughout the life of and paid to the retirement allowance beneficiary whom the member nominated by written designation duly executed and filed with the retirement board before the effective date of his or her retirement.

(2) Except as provided in subsections (3) and (8), the election of a payment option under subsection (1) shall not be changed on or after the effective date of the retirement allowance. A retirement allowance beneficiary designated under this section shall not be changed on or after the effective date of the retirement allowance, and shall be either a spouse, brother, sister, parent, child, including an adopted child, or grandchild of the person making the designation. Payment to a retirement allowance beneficiary shall begin on the first day of the month following the death of the retirant or member.

(3) If the retirement allowance beneficiary named under a payment option under subsection (1) predeceases the retirant, the retirant's benefit shall revert to the regular retirement allowance, effective with the first day of the month following the retirement allowance beneficiary's death. For a retirant whose effective date of retirement was on or before June 28, 1976, this subsection shall apply, but the regular retirement allowance is not payable for any month beginning before the later of the retirement allowance beneficiary's death or January 1, 1986. A retirant who on January 1, 1986 is receiving a reduced retirement allowance because the retirant designated a retirement allowance beneficiary and the retirement allowance beneficiary predeceased the retirant is eligible to receive the regular retirement allowance beginning January 1, 1986, but the regular retirement allowance is not payable for any month beginning before January 1, 1986.

(4) A member who continues in the employ of this state on and after the date he or she acquires 10 years of service credit or becomes eligible for deferred retirement as provided by section 20(4) or (5), whichever occurs first, may by written declaration duly executed and filed with the retirement board elect option A, provided for in subsection (1)(a), and nominate a retirement allowance beneficiary in the same manner as if the member were then retiring from service, notwithstanding that the member may not have attained 60 years of age. If the beneficiary's death or divorce from the member occurs before the effective date of the member's retirement, the member's election of option A and nomination of retirement allowance beneficiary shall be automatically revoked and the member may again elect option A and nominate a retirement allowance beneficiary at any time before the effective date of retirement. If a member who has made an election and nominated a retirement allowance beneficiary as provided in this subsection dies before the effective date of his or her retirement, then the retirement allowance beneficiary shall immediately receive the retirement allowance that he or she would have been entitled to receive under option A if the member had been regularly retired on the date of the member's death. Except as otherwise provided by subsection (5), if a member who has made an election under this subsection subsequently retires under this act, his or her election of option A shall take effect at the time of retirement. Subject to the requirements of subsection (5), the member, before the effective date of retirement, but not after the effective date of retirement, may revoke his or her previous election of option A and elect to receive his or her retirement allowance as a regular retirement allowance or under option B or C as provided for in subsection (1). A retirement allowance shall not be paid under this subsection on account of the death of a member if any benefits are paid under section 27 on account of his or her death. If a deferred member who has an option A election in effect dies before the effective date of his or her retirement, the retirement allowance payable under option A shall be paid to the retirement allowance beneficiary at the time the deceased deferred member otherwise would have been eligible to begin receiving benefits.

(5) If a member, deferred member, retiring member, or retiring deferred member is married at the effective date of the retirement allowance, an election under this section, other than an election of a payment option under subsection (1) naming the spouse as retirement allowance beneficiary, shall not be effective unless the election is signed by the spouse. However, this requirement may be waived by the retirement board if the signature of a spouse cannot be obtained because of extenuating circumstances. As used in this subsection, "spouse" means the person to whom the member, deferred member, retiring member, or retiring deferred member is married at the effective date of the retirement allowance.

(6) Until July 1, 1991, upon request in a form as determined by the retirement board, a nonduty disability retiree who retired under section 24 may change his or her election to receive a disability retirement allowance computed as a regular retirement allowance and elect to receive the actuarial equivalent at the time of the election pursuant to this subsection of his or her disability retirement allowance in a reduced retirement allowance payable to the retiree and the retiree's spouse pursuant to the provisions of a payment option as provided in subsection (1), if the disability retirement allowance effective date was before November 12, 1985 and the retiree had 25 or more years of credited service on the disability retirement allowance effective date. The nonduty disability retiree shall begin to receive the reduced retirement allowance under this subsection effective the first day of the month following the month in which the retiree makes the election pursuant to this subsection. As used in this subsection, "spouse" means the person to whom the nonduty disability retiree was married on the effective date of his or her disability retirement allowance and on the date the retiree makes the election pursuant to this subsection.

(7) If a member who continues in the employ of this state on and after the date he or she acquires 10 years of service credit, or on and after the date he or she becomes eligible for deferred retirement as provided by section 20(4) or (5), whichever occurs first, and who does not have an election of option A in force as provided in subsection (4), dies before the effective date of retirement and leaves a surviving spouse, the spouse shall receive a retirement allowance computed in the same manner as if the member had retired effective the day before the date of his or her death, elected option A, and nominated the spouse as retirement allowance beneficiary. When the retirement allowance beneficiary dies, his or her retirement allowance shall terminate. If the aggregate amount of retirement allowance payments received by the beneficiary is less than the accumulated contributions credited to the member's account in the employees' savings fund at the time of the member's death, the difference between the accumulated contributions and the aggregate amount of retirement allowance payments received by the beneficiary shall be transferred from the employer's accumulation fund or pension reserve fund to the employees' savings fund and paid pursuant to section 29. A retirement allowance shall not be paid under this subsection on account of the death of a member if benefits are paid under section 27 on account of his or her death. IF THE OTHER REQUIREMENTS OF THIS SUBSECTION ARE MET BUT A SURVIVING SPOUSE DOES NOT EXIST, EACH OF THE DECEASED MEMBER'S SURVIVING CHILDREN LESS THAN 18 YEARS OF AGE SHALL RECEIVE AN ALLOWANCE OF AN EQUAL SHARE OF THE RETIREMENT ALLOWANCE THAT WOULD HAVE BEEN PAID TO THE SPOUSE IF LIVING AT THE TIME OF THE DECEASED MEMBER'S DEATH. PAYMENTS UNDER THIS SUBSECTION SHALL CEASE UPON THE SURVIVING CHILD'S MARRIAGE, ADOPTION, OR BECOMING 18 YEARS OF AGE, WHICHEVER OCCURS FIRST.

(8) If a retirant receiving a reduced retirement allowance under a payment option under subsection (1) is divorced from the spouse who had been designated as the retirant's retirement allowance beneficiary under the option, the election of the payment option shall be considered void by the retirement system if the judgment of divorce or award or order of the court, or an amended judgment of divorce or award or order of the court, described in ~~section 40~~ THE PUBLIC EMPLOYEE RETIREMENT BENEFIT PROTECTION ACT and dated after June 27, 1991 provides that the election of the payment option under subsection (1) is to be considered void by the retirement system and the retirant provides a certified copy of the judgment of divorce or award or order of the court, or an amended judgment of divorce or award or order of the court, to the retirement system. If the election of a payment option under subsection (1) is considered void by the retirement system under this subsection, the retirant's retirement allowance shall revert to a regular retirement allowance, including postretirement adjustments, if any, subject to an award or order of the court as described in ~~section 40~~ THE PUBLIC EMPLOYEE RETIREMENT BENEFIT PROTECTION ACT. The retirement allowance shall revert to a regular retirement allowance under this subsection effective the first of the month after the date the retirement system receives a certified copy of the judgment of divorce or award or order of the court. This subsection does not supersede a judgment of divorce or award or order of the court in effect on June 27, 1991. This subsection does not require the retirement system to distribute or pay retirement assets on behalf of a retirant in an amount that exceeds the actuarially determined amount that would otherwise become payable if a judgment of divorce had not been rendered.

~~(9) A retirement allowance payable under a payment option provided in this section is subject to an eligible domestic relations order under the eligible domestic relations order act, 1991 PA 46, MCL 38.1701 to 38.1711.~~

7. Amend page 43, following line 3, by inserting:

“(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF THE RETIREMENT BOARD ESTABLISHES AN ARRANGEMENT AND FUND AS DESCRIBED IN SECTION 6 OF THE PUBLIC EMPLOYEE RETIREMENT BENEFIT PROTECTION ACT, THE BENEFITS THAT ARE REQUIRED TO BE PAID FROM THAT FUND SHALL BE PAID FROM A PORTION OF THE EMPLOYER CONTRIBUTIONS DESCRIBED IN THIS SECTION OR OTHER ELIGIBLE FUNDS. THE RETIREMENT BOARD SHALL DETERMINE THE AMOUNT OF THE EMPLOYER CONTRIBUTIONS OR OTHER ELIGIBLE FUNDS THAT SHALL BE ALLOCATED TO THAT FUND AND DEPOSIT THAT AMOUNT IN THAT FUND BEFORE IT DEPOSITS ANY REMAINING EMPLOYER CONTRIBUTIONS OR OTHER ELIGIBLE FUNDS IN THE PENSION FUND.”.

8. Amend page 44, following line 5, by striking out all of subsection (4).

9. Amend page 51, line 20, after “appeals” by striking out “decision” and inserting “decisions”.

10. Amend page 51, line 21, after “and” by striking out “in the Michigan court of claims decision”.

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

Senator Gougeon offered the following amendments:

1. Amend page 16, following line 13, by inserting:

“Sec. 17j. (1) On and after June 23, 1987, a member who is otherwise entitled to purchase service credit under section 17g, 17h, 17i, 17k, 17l, ~~or~~ 17m, OR 17N shall not purchase a combined total of more than 10 years of service credit under those sections.

(2) On and after June 23, 1987, a member who under section 17c, ~~17e, 17f,~~ 17g, 17h, 17i, 17k, 17l, 17m, 17N, or 18(2) is otherwise entitled to purchase service credit may purchase the service credit in separate increments equal to 1 or more full years, or a remaining fraction of a year, if any, or both. Partial purchase of service credit under this section does not bar future purchases otherwise in compliance with this section and the provisions of this act authorizing the purchase, but computation of the amount of payment due shall be made separately for each purchase.

(3) If a member who made payment under this section dies and a retirement allowance is not payable or if the member leaves service with this state before his or her retirement allowance becomes effective, the payment made by the member shall be refunded upon request to the member, to the person designated by the member in writing to the board, or if a person is not designated, then to the member's legal representative or estate.

(4) Actuarial cost shall be equal to the product of subdivisions (a), (b), and (c), as follows:

(a) A percentage, determined by the retirement board and the department, that when multiplied by a member's compensation, as determined under subdivision (b), results in the average actuarial present value of the additional benefits resulting from the crediting of 1 additional year of service. The percentage may vary because of age, credited service, or benefit coverage. An increase or decrease in the percentage under this subdivision shall not become effective before the expiration of 6 months or more after the retirement board notifies the members of the increase or decrease.

(b) A member's compensation. The member's compensation shall be the member's FULL-TIME OR EQUATED FULL-TIME compensation earned in the fiscal year immediately before the fiscal year in which the application to purchase and payment for the service are made. The compensation amount used shall not be less than the highest compensation previously earned by the member.

(c) The number of years, including any fraction of a year, of credited service a member elects to purchase up to the maximum allowed.

SEC. 17N. (1) A MEMBER MAY TRANSFER OR PURCHASE SERVICE CREDIT EARNED WHEN THE MEMBER WAS AN EMPLOYEE OF A CITY WITH A POPULATION OVER 750,000 IF ALL OF THE FOLLOWING APPLY:

(A) THE MEMBER BECAME A MEMBER ON SEPTEMBER 1, 1981.

(B) THE MEMBER WAS EMPLOYED BY A CITY WITH A POPULATION OVER 750,000 ON AUGUST 31, 1981.

(C) THE PENSION SYSTEM OF THE CITY WITH A POPULATION OVER 750,000, THE CITY WITH A POPULATION OVER 750,000, OR THE MEMBER AGREES TO CONTRIBUTE THE ACTUARIAL COST OF THE SERVICE CREDIT TRANSFERRED OR PURCHASED TO THE RETIREMENT SYSTEM.

(2) UPON PAYMENT OF THE ACTUARIAL COST OF THE SERVICE CREDIT PURCHASED, THE RETIREMENT SYSTEM SHALL CREDIT THE MEMBER WITH THE SERVICE.”.

2. Amend page 28, line 17, by striking out all of line 17 through the balance of the section.

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

The question being on the passage of the bill,

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

Roll Call No. 384

Yeas—36

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

Nays—0

Excused—2

Dingell

Vaughn

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.

Senator Gougeon offered to amend the title to read as follows:

A bill to amend 1943 PA 240, entitled “An act to provide for a state employees’ retirement system; to create a state employees’ retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; and to prescribe penalties and provide remedies,” by amending sections 1b, 1d, 5, 11, 13, 17j, 19, 20, 20d, 21, 24, 31, 33, 38, 46, 48, 49, and 52 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.17j, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.31, 38.33, 38.38, 38.46, 38.48, 38.49, and 38.52), section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 11 and 13 as amended and section 52 as added by 1996 PA 487, sections 17j, 19, and 31 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, and section 48 as added by 1990 PA 110, and by adding sections 17n, 19g, and 19h.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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.

Senator Gougeon offered to amend the title to read as follows:

A bill to amend 1943 PA 240, entitled "An act to provide for a state employees' retirement system; to create a state employees' retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; and to prescribe penalties and provide remedies," by amending the title and sections 31, 40, and 69 (MCL 38.31, 38.40, and 38.69), the title as amended and section 69 as added by 1996 PA 487, section 31 as amended by 1998 PA 205, and section 40 as amended by 1991 PA 48, and by adding section 68a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

House Bill No. 5112, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending the title and sections 105, 213, 214, 216, 217, 304, 305, 308, 401a, 405, 506, 508, 604, 714, and 720 (MCL 38.2105, 38.2213, 38.2214, 38.2216, 38.2217, 38.2304, 38.2305, 38.2308, 38.2401a, 38.2405, 38.2506, 38.2508, 38.2604, 38.2664, and 38.2670), sections 105 and 604 as amended by 1995 PA 193, section 214 as amended and section 720 as added by 1996 PA 523, section 217 as amended by 1998 PA 99, and sections 401a, 506, 508, and 714 as amended by 1999 PA 215, and by adding sections 501b and 512.

(This bill was passed on March 13 and the committee recommendation for immediate effect postponed. See Senate Journal No. 23, p. 569.)

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

Senator Emmons moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

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

Senator Emmons moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

Senators Gougeon, Byrum and Garcia offered the following amendments:

1. Amend page 6, line 12, after "Sec. 216" by striking out "EXCEPT AS PROVIDED IN SECTION 501B,".
2. Amend page 13, line 3, after "(b)" by striking out "EXCEPT AS PROVIDED IN SECTION 501B,".
3. Amend page 14, line 23, by striking out all of section 501B.
4. Amend page 23, line 13, after "section" by striking out "501B OR 503, WHICHEVER IS APPLICABLE" and inserting "503".
5. Amend page 29, line 4, by striking out "501B OR 503, AS APPLICABLE," and inserting "503".
6. Amend page 31, line 14, by striking out all of section 512.

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

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

The motion prevailed.

Senator DeGrow entered the Senate Chamber.

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. 386

Yeas—36

| | | | |
|--------------|-------------|----------|---------|
| Bennett | Garcia | Leland | Schwarz |
| Bullard | Gast | McCotter | Scott |
| Byrum | Goschka | McManus | Shugars |
| Cherry | Gougeon | Miller | Sikkema |
| DeBeaussaert | Hammerstrom | Murphy | Smith |

DeGrow
Dunaskiss
Emerson
Emmons

Hart
Hoffman
Johnson
Koivisto

North
Peters
Sanborn
Schuette

Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

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.
Senator Gougeon offered to amend the title to read as follows:

A bill to amend 1992 PA 234, entitled "An act to establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state departments and certain state and local officials and employees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts, by amending the title and sections 105, 213, 214, 216, 217, 304, 305, 308, 401a, 405, 506, 508, 604, 714, and 720 (MCL 38.2105, 38.2213, 38.2214, 38.2216, 38.2217, 38.2304, 38.2305, 38.2308, 38.2401a, 38.2405, 38.2506, 38.2508, 38.2604, 38.2664, and 38.2670), sections 105 and 604 as amended by 1995 PA 193, section 214 as amended and section 720 as added by 1996 PA 523, section 217 as amended by 1998 PA 99, and sections 401a, 506, 508, and 714 as amended by 1999 PA 215.

The amendment to the title was adopted.
The Senate agreed to the title as amended.

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

The motion prevailed.
Senator Garcia's statement is as follows:

I'm glad we have come to this conclusion. I'm glad to have the opportunity to co-sponsor this. I think it's the right thing to do.

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

Senate Bill No. 936, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 19f of chapter VII (MCL 767.19f).

(For text of amendment, see Senate Journal No. 22, p. 539.)
The question being on concurring in the amendment made to the bill by the House,
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 387

Yeas—36

Bennett
Bullard
Byrum

Garcia
Gast
Goschka

Leland
McCotter
McManus

Schwarz
Scott
Shugars

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

Senate Bill No. 930, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1) and pursuant to Joint Rule 20, inserted the full title.

The Senate agreed to the full title.

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

Senate Bill No. 948, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2001 PA 6.

The House of Representatives has amended the bill as follows:

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

"Enacting section 1. This amendatory act takes effect April 22, 2002." and renumbering the remaining enacting section.

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

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

Senator Emmons moved that the rule be suspended.

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

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

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

Roll Call No. 389

Yeas—36

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

Nays—0

Excused—2

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—0

In The Chair: Schwarz

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

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

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

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

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

Roll Call No. 391**Yeas—36**

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

Nays—0**Excused—2**

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

Senate Bill No. 996, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2000 PA 279.

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

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

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

Senator Emmons moved that the rule be suspended.

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

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

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

Roll Call No. 392**Yeas—36**

| | | | |
|--------------|-------------|----------|---------|
| Bennett | Garcia | Leland | Schwarz |
| Bullard | Gast | McCotter | Scott |
| Byrum | Goschka | McManus | Shugars |
| Cherry | Gougeon | Miller | Sikkema |
| DeBeaussaert | Hammerstrom | Murphy | Smith |

DeGrow
Dunaskiss
Emerson
Emmons

Hart
Hoffman
Johnson
Koivisto

North
Peters
Sanborn
Schuette

Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 946, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 22, 31, 37, and 49 of chapter XVII (MCL 777.22, 777.31, 777.37, and 777.49), section 22 as amended by 2000 PA 279, sections 31 and 49 as amended by 2001 PA 136, and section 37 as added by 1998 PA 317, and by adding section 49a.

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

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

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 31, 37, and 49 of chapter XVII (MCL 777.31, 777.37, and 777.49), sections 31 and 49 as amended by 2001 PA 136 and section 37 as added by 1998 PA 317, and by adding section 49a.

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

Senator Emmons moved that the rule be suspended.

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

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

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

Roll Call No. 393

Yeas—35

Bennett
Bullard
Byrum

Garcia
Gast
Goschka

Leland
McCotter
McManus

Schwarz
Scott
Shugars

| | | | |
|--------------|-------------|----------|-----------------|
| Cherry | Gougeon | Miller | Sikkema |
| DeBeaussaert | Hammerstrom | Murphy | Steil |
| DeGrow | Hart | North | Stille |
| Dunaskiss | Hoffman | Peters | Van Regenmorter |
| Emerson | Johnson | Sanborn | Young |
| Emmons | Koivisto | Schuette | |

Nays—1

Smith

Excused—2

Dingell

Vaughn

Not Voting—0

In The Chair: Schwarz

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Johnson offered the following resolution:

Senate Resolution No. 191.

A resolution to honor and recognize Mr. Thomas G. Denomme for exemplary service and leadership to the Michigan Gaming Control Board.

Whereas, Thomas G. Denomme served as a member and chairman of the Michigan Gaming Control Board for more than five years. His leadership and professionalism were indispensable assets and highly coveted by his colleagues; and

Whereas, Mr. Denomme was appointed to the gaming board by Governor Engler on December 20, 1996. He was one of the first five members of the board and was subsequently reappointed by the Governor to a second four-year term, commencing on December 21, 2000. Mr. Denomme was also the first serving chairperson of the board, an honor bestowed upon him by designation from the Governor; and

Whereas, Thomas Denomme was critical in engineering and proposing necessary amendments to the original voter-initiated Michigan Gaming Control and Revenue Act, which effectively licensed and regulated casino operations, ensuring just and fair play; and

Whereas, He proved instrumental in developing and promulgating administrative rules which ultimately implemented and administered the provisions of the act that applied to the licensing and regulating of casino gaming in the city of Detroit; and

Whereas, Mr. Denomme presided over the background investigations and licensing proceedings for all three licensed Detroit casinos, as well as their respective licensed suppliers and employees; and

Whereas, Thomas Denomme has accomplished a plethora of achievements throughout his impressive career. His devotion and unyielding resolve have profoundly contributed to the betterment of the gaming board and the entire gaming industry in Michigan. He is a valued colleague and friend who will be dearly missed; now, therefore, be it

Resolved by the Senate, That we commend, congratulate, and thank Mr. Thomas G. Denomme for his outstanding years of service and commitment to the Michigan Gaming Control Board; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Thomas G. Denomme as evidence of our appreciation for his profound contributions to Michigan society.

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

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

The resolution was adopted.

Senator Young was named co-sponsor of the resolution.

Senator DeGrow offered the following resolution:

Senate Resolution No. 193.

A resolution commemorating March 2002 as Red Cross Month in Michigan.

Whereas, The American Red Cross was founded in 1881 by Clara Barton, a woman selflessly devoted to the needs of humanity; and

Whereas, The Red Cross, chartered and authorized by Congress to act in times of need, provides compassionate assistance to people afflicted by personal, local, or national disasters and is the nation's most trusted charitable organization; and

Whereas, The staff of the Red Cross are deployed today with the U.S. military to provide emergency communications and a caring presence to service men and women separated from their families; and

Whereas, Each year the Red Cross responds to more than 67,000 disasters nationwide: high profile natural disasters, thousands of single-family fires, and manmade emergencies, such as the brutal terrorist attacks of September 11, 2001. The Red Cross was the first to respond to this unprecedented national crisis with direct assistance to more than 48,000 families, providing shelter and counseling for more than 300,000 individuals; and

Whereas, The twenty-nine Red Cross chapters in Michigan, through the efforts of 576 paid staff and 65,655 volunteers, last year assisted 5,000 families affected by disasters, provided health and safety training to over 502,600 individuals, and obtained 180,039 units of blood from 104,708 donors, including 40,340 new donors; and

Whereas, People have counted on the Red Cross for the information and skills they need to be safe at home, at work, at school, and at play. Last year, the Michigan chapters trained nearly 242,000 people in lifesaving CPR and first aid. They are also working with the Legislature to have more teachers and sports coaches trained to immediately assist the estimated 91,000 students who enter emergency rooms each year as a result of injuries during sports activities; now, therefore, be it

Resolved by the Senate, That in appreciation for the assistance the American Red Cross provides to Michigan citizens and all Americans, we hereby proclaim March 2002 as Red Cross Month in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Chapter of the American Red Cross.

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

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

The resolution was adopted.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senator Young offered the following resolution:

Senate Resolution No. 194.

A resolution honoring the life and memory of Dr. Charles H. Wright, creator and founder of the Museum of African American History.

Whereas, We extend our sympathies and respect to the family and many friends of Dr. Charles H. Wright, whose passing has saddened all who had the good fortune of knowing him. Many citizens have benefitted greatly from his vision to create the Museum of African American History; and

Whereas, Dr. Wright was a dedicated and revered doctor who brought 7,000 infants into life in the metropolitan Detroit area. He also created an international movement of recognition that ministered to the identity of African Americans. Inspired by a visit to a Denmark museum commemorating the Danish resistance to World War II, Dr. Wright conceived a museum dedicated to the African-American experience; and

Whereas, This Detroit cultural center grew from an idea to a small collection in 1965. A decade later, it became the Afro-American Museum of Detroit. As the collection grew in both size and stature, its name continued to change, and its mission continued to evolve. In 1998, it was named in honor of Dr. Wright. Today, it is a major icon anchored in Detroit's cultural center; and

Whereas, Dr. Wright's resolve and leadership made his dream a reality. He contributed passion, knowledge, time, and financial resources. In effect, he became the museum's curator, historian, manager, and chief promoter. He served on the museum's board of directors from 1965 to 1987; and

Whereas, Dr. Charles H. Wright was also a dedicated husband and father. He is survived by his wife Roberta Greenidge Hughes; daughters Stephanie Wright Griggs and Dr. Carla Wright; son-in-law William Griggs; granddaughter Louisa Wright Griggs; stepdaughter Dr. Barbara K. Hughes and her husband Joseph W. Smith; stepson Wilbur B. Hughes III and his wife Adawork; and six step-grandchildren. He was preceded in death by his first wife Louise Lovett Wright in 1985; and

Whereas, The life of Dr. Charles H. Wright is a study in the power of hard work, dedication, and commitment to his career, his family, his community, and his state. We are clearly grateful for his achievements which will continue to help the city of Detroit and Michigan far into the future; now, therefore, be it

Resolved by the Senate, That this legislative body hereby offer words of praise honoring the life and memory of Dr. Charles H. Wright, a man who had a profound impact on his community, state, nation, and world; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Dr. Charles H. Wright as a token of our sympathy.

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

Senator Emmons moved that the rule be suspended.

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

The resolution was adopted.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

House Concurrent Resolution No. 62.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Thursday, March 21, 2002, they stand adjourned until Tuesday, April 9, 2002.

The House of Representatives has adopted the concurrent resolution.

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

Senator Emmons moved that the rule be suspended.

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

The concurrent resolution was adopted.

Introduction and Referral of Bills

Senator Schuette introduced

Senate Bill No. 1214, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter X (MCL 770.16), as added by 2000 PA 402.

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

Senators Schuette and Bennett introduced

Senate Bill No. 1215, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601 and 601a (MCL 339.601 and 339.601a), section 601 as amended and section 601a as added by 1998 PA 250.

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

Senators Schuette and Bennett introduced

Senate Bill No. 1216, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 10a.

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. 5645, entitled

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

income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has passed the bill.

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

House Bill No. 5646, entitled

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

The House of Representatives has passed the bill.

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

House Bill No. 5647, entitled

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

The House of Representatives has passed the bill.

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

House Bill No. 5650, entitled

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

The House of Representatives has passed the bill.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 934, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," (MCL 259.1 to 259.208) by adding section 85a.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 1, after "CHECKS." by inserting "THE FLIGHT SCHOOL MAY CHARGE THE FLIGHT SCHOOL APPLICANT A FEE FOR THE CRIMINAL HISTORY CHECK AND THE CRIMINAL RECORDS CHECK."

2. Amend page 4, following line 18, by inserting:

"Enacting section 1. This amendatory act takes effect May 1, 2002." and renumbering the remaining enacting section.

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

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

Senate Bill No. 1006, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 85 (MCL 259.85), as amended by 1996 PA 370.

The House of Representatives has amended the bill as follows:

1. Amend page 6, line 3, after "A" by inserting "VIOLENT".

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

Senate Bill No. 812, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 1994 PA 306, and by adding section 1a.

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. 897, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending sections 7 and 8 (MCL 35.607 and 35.608).

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. 898, entitled

A bill to amend 1911 PA 44, entitled "An act to create a state board of equalization; to prescribe its powers and duties; to provide that said board shall be furnished with certain information by the several boards of supervisors and by the state tax commission; to provide for meeting the expense authorized by this act, and to repeal all acts or parts of acts contravening the provisions of this act," by amending sections 3 and 4 (MCL 209.3 and 209.4), section 4 as amended by 2001 PA 36.

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. 899, entitled

A bill to amend 1917 PA 99, entitled "An act to provide for the construction, maintenance and improvement of federal aided roads; to authorize townships, good roads districts and counties to raise money by taxation and by loan for the purpose of contributing thereto; to validate and legalize proceedings heretofore taken to raise money for the purpose contemplated by this act; and to provide an appropriation for paying the state's portion of the expense incurred hereunder," by amending section 1 (MCL 249.1).

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. 900, entitled

A bill to repeal 1921 PA 358, entitled "An act authorizing the state to reimburse counties and townships to the extent of 1/2 of the amounts spent by such counties and townships in connection with the destruction of grasshoppers and similar pests, making an appropriation therefor, and providing a tax to meet the same," (MCL 286.131 to 286.135).

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. 902, entitled

A bill to amend 1909 PA 139, entitled "An act relative to the maintenance and construction of hospitals and sanatoria within the counties of this state and to provide a tax to raise moneys therefor," by amending section 5 (MCL 331.105).

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. 973, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 89 (MCL 211.89), as amended by 1982 PA 503.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 901, entitled

A bill to amend 1863 PA 140, entitled "An act to provide for the selection, care and disposition of the lands donated to the state of Michigan, by act of congress, approved July second, 1862, for the endowment of colleges for the benefit of agriculture and the mechanic arts," by amending sections 8 and 10 (MCL 322.178 and 322.180).

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

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

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

Senator Emmons moved that the rule be suspended.

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

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

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

Roll Call No. 396**Yeas—35**

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

Nays—0**Excused—2**

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—1

Scott

In The Chair: Schwarz

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

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

Senator Bennett entered the Senate Chamber.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 5:38 p.m.

6:13 p.m.

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

During the recess, Senator Scott entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 939, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 543r. The House of Representatives has amended the bill as follows:

1. Amend page 1, line 2, after "PRINT," by striking out the balance of the line through "SURVEILLANCE" on line 3 and inserting "AN ARCHITECTURAL OR ENGINEERING DIAGRAM, SECURITY PLAN, OR OTHER SIMILAR INFORMATION".

2. Amend page 1, line 3, after "A" by striking out the balance of the line through "TURE" on line 4 and inserting "VULNERABLE TARGET".

3. Amend page 1, line 9, after "SECTION," by striking out the balance of the subsection and inserting "'VULNERABLE TARGET" MEANS THAT TERM AS DEFINED IN SECTION 212A.".

4. Amend page 2, following line 6, by inserting:

"Enacting section 1. This amendatory act takes effect April 22, 2002." and renumbering the remaining enacting section.

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

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

Senator Emmons moved that the rule be suspended.

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

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

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

Roll Call No. 397**Yeas—33**

| | | | |
|--------------|-------------|----------|-----------------|
| Bullard | Goschka | McCotter | Schwarz |
| Byrum | Gougeon | McManus | Scott |
| Cherry | Hammerstrom | Miller | Shugars |
| DeBeaussaert | Hart | Murphy | Sikkema |
| Dunaskiss | Hoffman | North | Smith |
| Emerson | Johnson | Peters | Steil |
| Emmons | Koivisto | Sanborn | Stille |
| Garcia | Leland | Schuette | Van Regenmorter |
| Gast | | | |

Nays—0**Excused—2**

| | |
|---------|--------|
| Dingell | Vaughn |
|---------|--------|

Not Voting—3

| | | |
|---------|--------|-------|
| Bennett | DeGrow | Young |
|---------|--------|-------|

In The Chair: Schwarz

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

Senator Emmons moved that Senators DeGrow and Bennett be temporarily excused from the balance of today's session.
The motion prevailed.

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

Senators Young and DeGrow entered the Senate Chamber.

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

Senate Bill No. 971, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87c (MCL 211.87c), as amended by 1999 PA 123; and to repeal acts and parts of acts.

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

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

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

Senator Emmons moved that the rule be suspended.

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

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

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

Roll Call No. 398**Yeas—33**

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

Nays—0**Excused—3**

| | | |
|---------|---------|--------|
| Bennett | Dingell | Vaughn |
|---------|---------|--------|

Not Voting—2

| | |
|---------|---------|
| Hoffman | Sikkema |
|---------|---------|

In The Chair: Schwarz

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

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Byrum's statement is as follows:

I'm very pleased that I could help find a way out of the impasse on the state employees retirement bill. From the beginning of this debate, I felt strongly about two things.

First, we should move the early retirement legislation independent of other issues. It deserves to be passed on its own merits. The early retirement plan saves the state \$50 million and allows thousands of state employees to move into retirement while avoiding massive layoffs. Holding the retirement hostage to another issue would have been bad for the budget and bad for state employees. It was important that this legislation moved forward.

Secondly, we should not be giving an early retirement for elected judges. It's a bad idea, and it should be defeated. Elected officials are given their position by the people, and the people should decide when they retire.

The agreement with the Senate leadership to withdraw the Byrum/Hoffman amendment on House Bill No. 5732 resulted in breaking the tie-bar and allowing the state employee early retirement to go forward.

I do, however, believe we need to keep faith with our corrections officers who keep watch over some of the most dangerous people in the state of Michigan. They deserve consideration for some form of early retirement. We were unsuccessful on this legislation in attaching a broad early retirement.

However, I am pleased that, as part of this compromise, the Senate leadership has agreed to have a hearing on the issue of corrections early retirement. I'm looking forward to making the case for their ability to participate in some form of early retirement since, to date, they are the only state workers facing layoffs.

Finally, the action we took here today is the right thing for thousands of state employees and their families who can now plan on enjoying their future retirement. I will have the opportunity to thank many of them personally as they retire, but I want to express my thanks to them for all their many years of dedication and hard work.

Senator Shugars' statement is as follows:

I rise to announce that today is the last session day for my legislative assistant, Mark Michaelsen. After being my legislative assistant since 1996, Mark is going to be moving to Birmingham, Alabama, next week to reunite with his wife Rhonda. Mark first came to Lansing to work for the Senate Republican Policy Office in 1985. He worked with Governor Engler in 1991 and 1992, and then became a referee in the Michigan Tax Tribunal until he joined our staff. He has been a trusted and loyal staff member, helping hundreds of constituents of the 21st District. He'll definitely be missed. Mark plans to study for his master's degree in public administration at the University of Alabama-Birmingham next fall. He also hopes to help a Republican governor of Alabama.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 1165, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending the title and sections 3 and 5 (MCL 211.903 and 211.905), as amended by 1994 PA 187, and by adding section 5b.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 26, after "AND" by inserting a comma and "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)."
2. Amend page 3, line 2, after "TAXES" by inserting a comma and "EXCEPT AS PROVIDED IN SECTION 89A OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.89A".
3. Amend page 3, following line 8, by inserting:
 "(3) NOTWITHSTANDING THE PROVISION OF A CHARTER OF A COUNTY ADOPTED PURSUANT TO 1966 PA 293, MCL 45.501 TO 45.521, OR THE PROVISIONS OF THE CHARTER OF A HOME RULE CITY, TO THE CONTRARY, THE CITY TREASURER OF A CITY THAT DOES NOT RETURN DELINQUENT REAL PROPERTY TAXES LEVIED BY THE CITY TO THE COUNTY TREASURER SHALL RETURN ALL UNCOLLECTED DELINQUENT TAXES LEVIED UNDER THIS ACT TO THE COUNTY TREASURER AS PROVIDED BY THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157, ON THE MARCH 1 IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE TAXES ARE LEVIED. AFTER THE DELINQUENT REAL PROPERTY TAXES ARE RETURNED TO THE COUNTY TREASURER FOR COLLECTION UNDER THIS SECTION, THE PROVISIONS OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157, APPLY FOR THE COLLECTION OF THOSE TAXES AND FOR THE ISSUANCE OF NOTES IN ANTICIPATION OF THE COLLECTION OF THE TAXES." and renumbering the remaining subsections.
4. Amend page 3, line 25, after "1" by striking out the balance of the line and inserting a comma.
5. Amend page 4, line 2, after "1" by striking out "IN 2002 AND EACH YEAR AFTER" and inserting a comma.
6. Amend page 4, line 8, after "LOCATED." by inserting "IN JANUARY 2004 AND EACH JANUARY THEREAFTER, THE LEGISLATIVE BODY OF A CITY OR TOWNSHIP THAT HAS DECLINED TO COLLECT THE TAX UNDER THIS SUBSECTION MAY BY RESOLUTION ADOPTED BY A MAJORITY OF THE LEGISLATIVE BODY RESCIND THE EARLIER DECISION TO DECLINE TO COLLECT THE TAX. THE CITY OR TOWNSHIP SHALL IMMEDIATELY SEND A COPY OF THE RESOLUTION RESCINDING THE EARLIER DECISION TO DECLINE TO COLLECT THE TAX TO THE STATE TREASURER AND THE TREASURER OF THE COUNTY IN WHICH THE CITY OR TOWNSHIP IS LOCATED."
7. Amend page 4, line 10, after "TOWNSHIP" by striking out "\$2.00" and inserting "\$2.50".
8. Amend page 4, line 17, after "1" by striking out "IN 2003 AND EACH YEAR AFTER" and inserting a comma.
9. Amend page 4, line 20, after "1" by striking out the balance of the line through "AFTER" on line 21 and inserting a comma.
10. Amend page 4, line 25, after "TREASURER." by inserting "IN FEBRUARY 2004 AND EACH FEBRUARY THEREAFTER, A COUNTY BOARD OF COMMISSIONERS THAT HAS DECLINED TO COLLECT THE TAX UNDER THIS SUBSECTION MAY BY RESOLUTION, WITH THE WRITTEN CONCURRENCE OF THE COUNTY TREASURER, RESCIND THE EARLIER DECISION TO DECLINE TO COLLECT THE TAX. THE COUNTY TREASURER SHALL IMMEDIATELY SEND A COPY OF THE RESOLUTION RESCINDING THE EARLIER DECISION TO DECLINE TO COLLECT THE TAX AND THE WRITTEN CONCURRENCE OF THE COUNTY TREASURER TO THE STATE TREASURER."
11. Amend page 4, line 27, after "COUNTY" by striking out "\$2.00" and inserting "\$2.50".
12. Amend page 7, line 4, after "ACT." by inserting "FOR A COUNTY COLLECTING THE TAX UNDER THIS ACT, THE COUNTY BOARD OF COMMISSIONERS SHALL APPROPRIATE SUFFICIENT MONEY FROM THE ACCOUNT TO THE COUNTY TREASURER TO COVER THE COST OF COLLECTING THE TAX LEVIED UNDER THIS ACT."

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

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1206, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76116 (MCL 324.76116), as added by 1995 PA 58.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5576, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter XVII (MCL 777.15), as amended by 2001 PA 152, and by adding sections 15a, 15b, 15d, 15f, and 15g.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, March 20, 2002, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Farming, Agribusiness and Food Systems reported

House Bill No. 5136, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2973.

With the recommendation that the bill pass.

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

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Farming, Agribusiness and Food Systems reported

House Bill No. 5480, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 297f.

With the recommendation that the bill pass.

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

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Farming, Agribusiness and Food Systems reported

House Bill No. 5525, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act of 1964," by amending sections 1, 2, 8, 10a, 10b, and 31 (MCL 290.601, 290.602, 290.608, 290.610a, 290.610b, and 290.631), sections 2 and 8 as amended by 1982 PA 260 and section 31 as amended by 1986 PA 194, and by adding sections 9a, 9b, 28c, and 31a; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submitted the following:

Meeting held on Wednesday, March 20, 2002, at 1:30 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon, Byrum and Hart

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture - Wednesdays, April 10, April 17, April 24 and May 1, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Family Independence Agency - Tuesdays, April 9 and April 23, 1:00 p.m., Room 210, Farnum Building; and Thursdays, April 11 and April 18, 1:00 p.m., Room 110, Farnum Building (373-1760)

General Government - Tuesdays, April 9, April 16, April 23 and April 30, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, April 10, April 17 and April 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 6:35 p.m.

Pursuant to House Concurrent Resolution No. 62, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, April 9, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.