

No. 67
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, October 9, 2001.

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—present
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—excused
Miller—present
Murphy—present
North—present

Peters—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 Martha G. Scott of the 2nd District offered the following invocation:

Let me first start with the 23rd Psalm:

“The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: he leadeth me beside the still waters.

He restoreth my soul: he leadeth me in the paths of righteousness for his name’s sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies: thou annointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.”

Dear Heavenly Father, we come to You this morning saying thank You. Thank You for allowing us to rise for another day. Thank You, Heavenly Father, for those of us who serve in the Legislature. Lord, give us the courage and the wisdom to do for the people of this state what is needed to be done in order for their lives to be better. Heavenly Father, give us the courage to do that—to take care of those who cannot take care of themselves.

Heavenly Father, I ask You to bless this country. Lord, bless America; bless the world, Lord. Father, help us to be able to go through this tragedy. Give us the strength and courage that we need to face each day. And, Father, give a special blessing to those who were affected on September 11. Lord, touch them, heal their minds and their bodies and themselves. Father, we say thank You for all of Your love and Your guidance. In Your name, Lord. Amen.

Senators Young, Byrum, Hart, Smith and Cherry entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senator McManus be excused from today’s session.

The motion prevailed.

Senator Emerson moved that Senator Peters be temporarily excused from today’s session.

The motion prevailed.

Senator Emerson moved that Senator Vaughn be excused from this week’s sessions.

The motion prevailed.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senators Sikkema and Van Regenmorter admittance to the Senate floor, including the center aisle.

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

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

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

Recess

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

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

10:26 a.m.

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

During the recess, Senators Sikkema and Van Regenmorter introduced to the Senate Voices of Freedom of Grand Rapids.

Voices of Freedom rendered several musical selections.

During the recess, Senator Peters entered the Senate Chamber.

The following communication was received:
Department of Consumer and Industry Services

September 28, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Approval Study Report	Shawono Center	CS200201404

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,

John R. Suckow, C.P.A.

Director, Finance and Administrative Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, October 4:
House Bill Nos. 4360 5102

The Secretary announced the printing and placement in the members' files on Thursday, October 4, of:

Senate Bill Nos.	687	688	689																
House Bill Nos.	5104	5105	5106	5107	5108	5109	5110	5111	5112	5113	5114	5115	5116	5117					
	5118	5119	5120	5121	5122	5123	5124	5125	5126	5127	5128	5129	5130	5131					
	5132	5133	5134	5135	5136	5137	5138	5139											

The Secretary announced the printing and placement in the members' files on Friday, October 5, of:

Senate Bill Nos.	691	692																	
House Bill Nos.	5140	5141	5142	5143	5144	5145	5146												

Messages from the Governor

The following message from the Governor was received:

Date: October 5, 2001
Time: 5:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 551 (Public Act No. 123), being

An act to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2e.

(Filed with the Secretary of State on October 8, 2001, at 11:20 a.m.)

Respectfully,
John Engler
Governor

The following message from the Governor was received on October 8, 2001, and read:

EXECUTIVE ORDER
2001 - 8

Michigan Pharmacy and Therapeutics Committee Michigan Department of Community Health

Whereas, the state of Michigan desires to provide the greatest possible access to cost effective prescription drug coverage for all of its citizens, including, but not limited to, those receiving services through its Medicaid Program; and

Whereas, responsible management of the state of Michigan's fiscal resources is beneficial to the state and all of its citizens; and

Whereas, consistent, prudent management of the state's prescription drug programs protects the state's ability to continue to offer high levels of health care to its citizens; and

Whereas, Act No. 280 of the Public Acts of 1939, as amended, being Section 400.111a of the Michigan Compiled Laws, authorizes and charges the Director of the Department of Community Health to monitor the Medicaid pharmacy program; and

Whereas, Act No. 60 of the Public Acts of 2001, authorizes the Department of Community Health to develop and implement pharmacy program policy changes; and

Whereas, Section 1927 of the federal Social Security Act, 42 USC 1396r-8, authorizes and allows the state of Michigan to develop Medicaid policy related to the reimbursement, utilization and limitation on the coverage of drugs.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

A. "Committee" means the Michigan Pharmacy and Therapeutics Committee established by this Executive Order.

B. "Department" means the Department of Community Health, the principal department of state government created by Executive Order 1996-1, being Section 330.3101 of the Michigan Compiled Laws.

II. ESTABLISHMENT OF THE MICHIGAN PHARMACY AND THERAPEUTICS COMMITTEE

A. Consistent with the provisions of Section 1927 of the federal Social Security Act, 42 USC 1396r-8, the Michigan Pharmacy and Therapeutics Committee is hereby established within the Department of Community Health as a Type II entity as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The Committee shall consist of eleven (11) members:

- six (6) physicians
- four (4) pharmacists, and
- one (1) member appointed from a list of three (3) persons provided by the Director of the Department.

Each physician and pharmacist member shall be licensed to practice in the state of Michigan pursuant to the applicable provisions of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1101 et seq. of the Michigan Compiled Laws and any regulations adopted pursuant to the act. Physician and pharmacist Committee members shall represent a broad range of professional specialties, knowledge and expertise associated with drug therapy issues.

C. Members of the Committee shall be appointed by the Governor and shall serve a term of two (2) years, except that, of the members first appointed, three (3) physician members and two (2) pharmacist members shall be appointed for a term of one (1) year.

D. An individual selected to serve as a physician or pharmacist member of the Committee shall serve only while maintaining in good standing his or her professional license under the applicable provisions of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1101 et seq. of the Michigan Compiled Laws and any regulations adopted pursuant to the act. An individual physician's or pharmacist's failure to maintain a license shall immediately terminate that individual's membership on the Committee.

E. Any vacancy on the committee shall be filled in the same manner as the original appointment.

F. A person appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.

III. CHARGE TO THE COMMITTEE

The Committee shall be advisory in nature and shall assist the Department with the following functions pursuant to the applicable state and federal law:

A. The Committee shall advise the Department on issues affecting prescription drug coverage for its various health care programs.

B. The Committee shall recommend to the Department guidelines for prescription drugs covered in its various health care programs.

IV. OPERATIONS OF THE COMMITTEE

A. The Governor shall designate one (1) member of the Committee to serve as chairperson. This member shall serve as Chair at the pleasure of the Governor.

B. The Committee may promulgate bylaws, not inconsistent with law and with this Order, governing its organization, operation and procedure.

C. Members of the Committee shall not delegate their responsibilities to other persons. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The Committee shall act by a majority vote of its serving members.

D. The Committee shall meet at the call of the chairperson and as may be provided in the bylaws of the Committee. Meetings of the Committee may be held at any location within the state of Michigan. The Committee shall meet at least semi-annually.

E. The Committee may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Committee may consult with outside experts in order to perform its duties.

F. The Committee may establish one or more subcommittees consisting of Committee members to investigate and analyze specific issues, consistent with the charge to the Committee contained in Section III of this order. The chair of the Committee, or a member of the Committee designated by the chair, shall be a member of each subcommittee established by the Committee. Subcommittees shall recommend proposed actions, plans, comments, formulas, measures, reports or policies to the Committee, consistent with the Committee's charge. The Committee may adopt, reject or modify recommendations proposed by subcommittees.

G. Members of the Committee shall serve without compensation. Members of the Committee may receive reimbursement for necessary travel and expenses according to relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

H. The Department may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the performance of the Committee's duties, as the Department Director deems appropriate. Such procurements shall be in accordance with the relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

I. The Committee may apply for, receive and expend monies from any source, public or private, including but not limited to, gifts, grants, donations of monies and government appropriations. The Committee may also accept donations of labor, services, or other things of value from any public or private agency or person. Individual members of the Committee shall fully comply with the provisions of the Act No. 196 of the Public Acts of 1973, as amended, being Section 15.341 et seq. of the Michigan Compiled Laws, governing the standards of conduct for public officers and employees of the state of Michigan.

J. Members of the Committee shall refer all legal, legislative and media contacts to the Department.

K. The Committee shall be staffed by personnel within the Department as designated by the Director.

V. MISCELLANEOUS

A. All departments, committees, commissioners or officers of the state or of any political subdivision thereof shall give to the Committee, or to any member or representative thereof, any necessary assistance required by the Committee, or any member of representative thereof, in the performance of the duties of the Committee so far as is compatible with its, his or her duties; free access shall also be given to any books, records or documents in its, his or her custody, relating to matters within the scope of inquiry, study or investigation of the Committee.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 5th day of October, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

October 8, 2001

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Crime Victims Services Commission

Mr. Martin G. Bandemer, 550 St. Clair Avenue, Detroit, Michigan 48214, county of Wayne, as a member representing peace officers, succeeding himself, for a term expiring on September 27, 2004.

October 8, 2001

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

Domestic Violence Prevention and Treatment Board

The Honorable Edward Sosnick, 4585 Kirkcaldy, Bloomfield Hills, Michigan 48304, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on September 30, 2004.

Ms. Michelle Hayes, P.O. Box 945, Gaylord, Michigan 49734, county of Otsego, as a member representing the general public, succeeding herself, for a term expiring on September 30, 2004.

Ms. Shirley Mann Gray, 5399 W. Bloomfield Lake Road, West Bloomfield, Michigan 48323, county of Oakland, as a member representing the general public, succeeding herself, for a term expiring on September 30, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 404, entitled

A bill to amend 1982 PA 220, entitled "Michigan family farm development act," by amending section 29 (MCL 285.279).

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.

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

Senate Bill No. 405, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 459.

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 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 section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

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

Senate Bill No. 406, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending section 110 (MCL 570.1110), as amended by 1982 PA 17.

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

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

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

Senate Bill No. 410, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2157, 52908, and 76107 (MCL 324.2157, 324.52908, and 324.76107), section 2157 as added by 1995 PA 60, section 52908 as added by 1995 PA 57, and 76107 as added by 1995 PA 58.

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 2157, 52908, and 76107 (MCL 324.2157, 324.52908, and 324.76107), section 2157 as added by 1995 PA 60, section 52908 as added by 1995 PA 57, and section 76107 as amended by 2001 PA 75.

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

Senate Bill No. 602, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811e (MCL 257.811e), as added by 2000 PA 77, and by adding sections 217m and 217n.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 16, after “BASIS” by striking out the balance of the subsection and inserting “AS FOLLOWS:

(A) FIFTY PERCENT TO THE AMERICAN NATIONAL RED CROSS ESTABLISHED UNDER CHAPTER 3001 OF TITLE 36 OF THE UNITED STATES CODE, 36 U.S.C. 300101 TO 300111, AS REPRESENTED BY THE MICHIGAN STATE SERVICE COUNCIL.

(B) FIFTY PERCENT TO THE SALVATION ARMY.”.

2. Amend page 2, line 20, after “CROSS” by inserting “AND THE SALVATION ARMY”.

3. Amend page 2, line 23, after “CROSS” by inserting “AND THE SALVATION ARMY”.

4. Amend page 5, line 14, by striking out all of enacting section 1.

The House of Representatives has passed the bill as amended by a 2/3 vote, 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. 326

Yeas—31

Bennett	Emerson	Koivisto	Shugars
Bullard	Emmons	Leland	Sikkema
Byrum	Gast	McCotter	Smith
Cherry	Goschka	Murphy	Steil
DeBeaussiaert	Gougeon	Peters	Stille
DeGrow	Hammerstrom	Schuetz	Van Regenmorter
Dingell	Hart	Schwarz	Young
Dunaskiss	Johnson	Scott	

Nays—0

Excused—2

McManus	Vaughn
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Not Voting—4

Garcia	Hoffman	Miller	North
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In The Chair: President

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

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

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, Lieutenant Governor Posthumus, designated Senator Dingell as Chairperson.

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

House Bill No. 4345, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21773 (MCL 333.21773).

House Bill No. 4776, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131, 16263, and 21720 (MCL 333.16131, 333.16263, and 333.21720), sections 16131 and 16263 as amended by 2000 PA 11, and by adding section 16328 and part 173; and to repeal acts and parts of acts.

House Bill No. 4783, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3355 (MCL 500.3355).

House Bill No. 4784, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3230 (MCL 500.3230).

House Bill No. 4819, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224 (MCL 500.224), as amended by 2000 PA 252; and to repeal acts and parts of acts.

Senate Bill No. 592, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," by amending sections 14 and 18 (MCL 550.914 and 550.918); and to repeal acts and parts of acts.

Senate Bill No. 604, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2468 and 2662 (MCL 500.2468 and 500.2662).

Senate Bill No. 605, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3114 (MCL 500.3114), as amended by 1984 PA 372.

Senate Bill No. 517, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2000 PA 29.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4774, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9311 and 9616 (MCL 440.9311 and 440.9616), section 9311 as amended and section 9616 as added by 2000 PA 348.

Substitute (S-1).

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

During the Committee of the Whole, Senator Garcia entered the Senate Chamber.

Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

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

Senate Resolution No. 117

The resolution consent calendar was adopted.

Senators Gougeon and Van Regenmorter offered the following resolution:

Senate Resolution No. 117.

A resolution commemorating October 14-20, 2001, as America's Safe Schools Week.

Whereas, Schools make substantial contributions to the future of America and to the development of our nation's young people as knowledgeable, responsible, and productive citizens; and

Whereas, Excellence in education is dependent on safe, secure, and peaceful school settings; and

Whereas, The safety and well-being of many students, teachers, and school staff are unnecessarily jeopardized by crime and violence in our schools, such as substance abuse, gangs, bullying, poor discipline, vandalism, and absenteeism; and

Whereas, It is the responsibility of all citizens to enhance the learning experiences of young people by helping to ensure fair and effective discipline, promote good citizenship, and generally make school safe and secure; and

Whereas, All leaders, especially those in education, law enforcement, government, and business, should eagerly collaborate with each other and the National School Safety Center—a partnership of Pepperdine University, the U.S. Department of Justice, and the U.S. Department of Education—to focus public attention on school safety and identify, develop, and promote innovative solutions to these critical issues; and

Whereas, Numerous schools and school districts throughout the country, along with national programs, are among those offering innovative solutions to these critical issues; and

Whereas, The observance of America's Safe Schools Week will substantially promote efforts to provide all our nation's schools with positive and safe learning climates; now, therefore, be it

Resolved by the Senate, That we hereby commemorate October 14-20, 2001, as America's Safe Schools Week.

Senator Miller stated that had he been present when the vote was taken on concurring in the House amendments to the following bill, he would have voted "yea":

Senate Bill No. 602

House Concurrent Resolution No. 33.

A concurrent resolution calling for increased energy conservation and urging the Michigan Public Service Commission to include relevant information in its education materials on gas and electric choice.

Whereas, Every generation seems to need the shock of rising fuel costs to be reminded that many of the traditional sources of our energy are finite in nature and that energy is essential to our nation's future. While the balance of supply and demand is influenced by a wide array of factors, including environmental concerns, economic demands, and international relations, there are many effective steps we can take as individual citizens and businesses to deal with rising energy prices; and

Whereas, At the present time, widely fluctuating energy prices are becoming a concern for the citizens of Michigan. In addition, California's electricity crisis and rolling blackouts have served to remind us of the vulnerability of our society to any disruption in energy supplies; and

Whereas, With the many factors involved in producing and delivering energy, there are few courses of action available that can make a difference quickly to the supply component of this equation. Conservation practices can bring about an immediate reduction in demand. Even a small percentage of savings can represent a notable quantity of oil, natural gas, or other fuel; and

Whereas, The Michigan Public Service Commission has an opportunity to communicate conservation information through its ongoing efforts to educate Michigan citizens on natural gas and electric choice options. Adding examples, statistics, and hints about conservation to the materials being prepared can help our state and its citizens; and

Whereas, While the long-term challenge of meeting our energy needs includes new investments, new sources of energy, and new technologies, the positive impact that conservation practices can make must not be overlooked. Most observers would likely concede that our level of energy consumption includes considerable waste and inefficiency. Public education programs can serve to remind households and places of business to be more prudent in making sure we use energy wisely. To ignore the real savings that can result from conservation is foolhardy, for we can save resources and money with little more investment than good planning and common sense in our homes, in our schools, and in our places of work; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we call upon Michigan's citizens and businesses to increase energy conservation efforts; and be it further

Resolved, That we urge the Michigan Public Service Commission to incorporate a strong conservation message in the upcoming public education programs it will be providing on natural gas choice and electric choice; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Public Service Commission.

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 question being on the adoption of the concurrent resolution,

Senator Emmons moved that the concurrent resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

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

Introduction and Referral of Bills

Senators Smith, Peters, Cherry, Young, Scott and DeBeaussaert introduced

Senate Bill No. 693, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5529 (MCL 324.5529) and by adding section 5504a.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators McManus, Koivisto, Gast, North and Gougeon introduced

Senate Bill No. 694, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 725a (MCL 257.725a), as amended by 1980 PA 311.

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

Senators Bullard and Steil introduced

Senate Bill No. 695, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2607.

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

Senators Bullard, Steil, Bennett and Garcia introduced

Senate Bill No. 696, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9a.

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

House Bill No. 4360, entitled

A bill to make, supplement, and adjust appropriations for the department of consumer and industry services for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

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

Senator Emmons moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5102, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.283) by adding section 1a.

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

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 675, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12 and 17 (MCL 777.12 and 777.17), section 12 as amended by 2001 PA 104 and section 17 as amended by 2000 PA 300.

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4813, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 732 (MCL 257.319 and 257.732), as amended by 2000 PA 460.

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4924, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2103 (MCL 500.2103), as amended by 1990 PA 305.

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4925, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82147 (MCL 324.82147), as added by 1995 PA 58.

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, October 3, 2001, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Schuette

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Wednesday, October 3, 2001, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Goschka, Johnson, Hart and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Detroit Metro Airport Review submits the following:

Meeting held on Thursday, October 4, 2001, at 1:04 p.m., Room 810, Farnum Building

Present: Senators Steil (C), Bennett, Stille, Leland and Emerson

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Thursday, October 4, 2001, at 1:06 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

Present: Senators McCotter (C), Hammerstrom, Sikkema, Byrum and Scott

Scheduled Meetings

Appropriations - Wednesday, October 10, 10:30 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Natural Resources - Wednesdays, October 10, 2:00 p.m. (CANCELED) and October 17, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Conference Committee -

Immunity for Certain Health Professionals and Facilities (SB 30) - Wednesday, October 10, 1:00 p.m., Room 100, Farnum Building (373-0793)

Detroit Metro Airport Review - Thursday, October 11, 1:00 p.m., Room 810, Farnum Building (373-1801)

Economic Development, International Trade and Regulatory Affairs - Tuesday, October 23, 1:00 p.m., Room 110, Farnum Building (373-7946)

Families, Mental Health and Human Services - Wednesday, October 10, 3:00 p.m., Room 100, Farnum Building (373-3543)

Farming, Agribusiness and Food Systems - Wednesday, October 17, 1:00 p.m., Room 405, Capitol Building (373-1725)

Government Operations - Thursday, October 11, 1:00 p.m. or later immediately following session, Senate Hearing Room, Ground Floor, Michigan National Tower (373-1707)

Great Lakes Conservation Task Force - Thursday, October 18, 6:00 p.m., Northern Michigan University, Don H. Bollum University Center, Ontario Room, 2nd Floor, 1401 Presque Isle Avenue, Marquette; Tuesday, October 30, 6:00 p.m., City of Port Huron Municipal Office Center, 100 McMorran Boulevard, Port Huron; Monday, November 5, 6:00 p.m., St. Joseph Public Library, 500 Market, St. Joseph; Monday, November 26, 6:00 p.m., Saginaw Valley State University, Curtis Center, 2250 Pierce Road, University Center (373-0797)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:56 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, October 10, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

