

No. 81
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, November 8, 2001.

10:00 a.m.

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

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

Bennett—present
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—excused
Koivisto—present
Leland—present
McCotter—present
McManus—present
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 George A. McManus, Jr., of the 36th District offered the following invocation:

We'll start out with the prayers of thanksgiving. While looking ahead to the next couple of weeks, we want to be thankful for our veterans. Sunday being Veterans Day, I particularly want to mention my brother Pat who died last month. He was a veteran of the war in Vietnam.

We also want to be thankful, as we go over the river and through the woods to grandmother's house, for all the blessings that have been bestowed upon this country from the time the Pilgrims landed—coming from Europe—to settle this land and build it into what it is today.

We also want to be thankful for the time in between when our deer hunters in this state go to the woods to bring home meat to keep the family going through the winter. And we want to be thankful for the hunt, whether it's success from that standpoint or not.

In terms of the prayers of petition, we'd like to petition, Lord, that our veterans be held safe, both those who are in this country and those who have to serve abroad in this conflict. May our families be held safe as they enjoy their Thanksgiving dinner and that our deer hunters return home safely after the hunt. Amen.

Senators Garcia, Gast and Hoffman entered the Senate Chamber.

Motions and Communications

Senator Emerson moved that Senator Murphy be temporarily excused from today's session.
The motion prevailed.

Senator Emmons moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5181

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

Senator Emmons moved that Senator Dunaskiss be temporarily excused from today's session.
The motion prevailed.

Senators Dunaskiss and Murphy entered the Senate Chamber.

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:11 a.m.

11:51 a.m.

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

The Secretary announced the printing and placement in the members' files on Wednesday, November 7, of:
Senate Bill Nos. 814 815 816

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 without amendment, the following bill:

House Bill No. 5181, entitled

A bill to authorize the state administrative board to convey certain property in Grand Traverse county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

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

Senate Bill No. 516, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d. The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, line 17, after "MEANS" by inserting "PELLETS PRODUCED FROM LOW- GRADE".

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

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

Senate Bill No. 536, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending section 7 (MCL 390.1477).

Substitute (S-2).

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

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

Senate Bill No. 678, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 1999 PA 117. Substitute (S-1).

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

By unanimous consent the Senate 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:

House Bill No. 5181

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. 5181

Senate Bill No. 677

Senate Bill No. 422

Senate Bill No. 738

Senate Bill No. 720

Senate Bill No. 721

Senate Bill No. 722

Senate Bill No. 725

Senate Bill No. 726

Senate Bill No. 727

Senate Bill No. 728

Senate Bill No. 729

Senate Bill No. 731

Senate Bill No. 733

Senate Bill No. 734

Senate Bill No. 735

Senate Bill No. 751

Senate Bill No. 752

Senate Bill No. 753

Senate Bill No. 754

Senate Bill No. 755
Senate Bill No. 756
Senate Bill No. 757
Senate Bill No. 758
Senate Bill No. 719
Senate Bill No. 723
Senate Bill No. 732
Senate Bill No. 736
Senate Bill No. 808
House Bill No. 4775
Senate Bill No. 639
Senate Bill No. 718
House Bill No. 4995
House Bill No. 5028
House Bill No. 5029
House Bill No. 4753
 The motion prevailed.

The following bill was read a third time:

House Bill No. 5181, entitled

A bill to authorize the state administrative board to convey certain property in Grand Traverse county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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. 435

Yeas—35

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

Nays—0

Excused—2

Johnson

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 of the bill.

The following bill was read a third time:

Senate Bill No. 677, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 629e (MCL 257.629e), as amended by 2000 PA 268.

The question being on the passage of the bill, Senator Smith offered the following amendments:

1. Amend page 1, line 5, after “\$5.00,” by striking out the balance of the line through “\$5.00,” on line 6.
2. Amend page 2, line 9, after “fund,” by striking out the balance of the line through “FUND,” on line 10.
3. Amend page 2, line 12, after “police.” by striking out the balance of the line through “CORRECTIONS.” on line 14.
4. Amend page 2, line 24, after “state.” by striking out the balance of the line through “FELONS.” on line 26.
5. Amend page 3, line 10, after “police,” by striking out the balance of the line through “CORRECTIONS,” on line 11.

The question being on the adoption of the amendments,

Senator Smith requested the yeas and nays.

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

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

Roll Call No. 436

Yeas—13

Byrum	Hart	Murphy	Smith
Cherry	Leland	Peters	Stille
DeBeaussaert	Miller	Scott	Young
Emerson			

Nays—22

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	McCotter	Shugars
DeGrow	Goschka	McManus	Sikkema
Dingell	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Schuette	Van Regenmorter
Emmons	Hoffman		

Excused—2

Johnson	Vaughn
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Not Voting—0

In The Chair: Schwarz

Protest

Senator Hoffman, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Smith to Senate Bill No. 677 and moved that the statements he made during the discussion of the amendments be printed as his reasons for voting “no.”

The motion prevailed.

Senator Hoffman’s first statement is as follows:

I would ask you to turn down the Smith amendment. I talked to Senator Smith’s sheriff on this particular bill and on both the jail reimbursement and on the secondary patrol program. I try to represent people to the best of my ability, both in my district and in the state of Michigan, and this is an issue that affects not just my home county, but all the people of the state of Michigan.

You know, the Michigan Sheriff's Association put out a letter dated November 7, and I sent it out to all the members on the floor here. I hope you had an opportunity to read it. This isn't political gamesmanship we are playing here. At least I hope it isn't. What we are talking about here are critical services, and to the Senator from the 18th District, I believe that if we were to defeat this amendment, what we would do is we would increase the direct costs of incarceration for prisoners in the Michigan Department of Corrections.

This amendment would be penny-wise and pound-foolish in my opinion. By fully funding the bill as is before you and defeating the Smith amendment, amendment number one, what you would be doing is ensuring that the heavy cost of sending prisoners to the state would not occur at the state level. It is cheaper to house an inmate—and these are inmates who will be held less than two years—in a county jail than it is in a state prison. I don't believe that the amendment is prudent. I will just take one quote from the letter from the sheriffs. This is from Sheriff John Retter, who is the sheriff from Midland County. He says both of these programs—and he is referring to the secondary road patrol program and the jail reimbursement program—are extremely beneficial to Michigan sheriffs and cost-effective for the citizens of our state.

That pretty much sums it up. The state is in fiscal crisis right now. We are scrambling to find dollars, and this is an opportunity, I think, to put the burden squarely where the burden belongs. The burden for funding the jail reimbursement program really doesn't lie with the law-abiding citizens of our state, and the burden for the secondary road patrol program really doesn't lie with the law-abiding motoring public. It lies with the 20,000 drunk drivers, who the secondary road patrol program take off the road on an annual basis, and it lies with the people who are incarcerated in our county jails rather than in our state prisons. That is who the responsibility is with. I think it's about time that the people who are responsible for breaking the laws in the state of Michigan, be it a civil infraction or a felony, and are in our county jails be required to share some of the burden of that responsibility. I would respectfully ask the members to turn down the Smith amendment.

Senator Hoffman's second statement is as follows:

Well, I was tempted to just sit on my hands, but where do you think drunk drivers convicted on a third offense go if they don't go to the county jail; they go to prison. They go to prison unless we can defer them to the county jail. This really is a user-pay type of program here. And the fact of the matter is that this keeps drunk drivers out of prisons, so that we have our prison space for those dangerous people who murder our citizens and rob our citizens and rape our citizens. This jail reimbursement program is really effective when you deal with drunk drivers. If you don't have this program, the drunk drivers will be sitting in the state prison in southern Michigan. It's a policy question. You'll have to decide: Is it better to have your drunk drivers in your county jails or in your state prisons? And that's really what this boils down to. Again, I'd ask the membership to turn down the Smith amendment.

The question being on the passage of the bill,

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

Roll Call No. 437

Yeas—27

Bennett	Emerson	Hart	Schuette
Bullard	Emmons	Hoffman	Schwarz
Byrum	Garcia	Koivisto	Shugars
Cherry	Gast	McCotter	Sikkema
DeGrow	Goschka	McManus	Stille
Dingell	Gougeon	North	Van Regenmorter
Dunaskiss	Hammerstrom	Peters	

Nays—8

DeBeaussaert	Miller	Scott	Steil
Leland	Murphy	Smith	Young

Excused—2

Johnson	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Smith and DeBeaussaert, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 677.

Senator Smith's statement, in which Senator DeBeaussaert concurred, is as follows:

I want it clearly understood that I supported Senate Bill No. 677 as it was originally introduced. That was to provide a fee that would go to the secondary road patrols and the counties, so that the sheriff departments would have the resources available to them. That would allow them to continue those secondary road patrols, and the correction of the continuance of getting speeders and getting drunk drivers and making sure that they pay the penalty for their crime. That penalty actually accrued to the operation for the secondary road patrol that allowed them to continue their work.

I opposed, and voted "no" on Senate Bill No. 677 because it was amended to create a fee for jail reimbursement. It is a fee that had absolutely no relationship to the infraction by the great majority of the individuals who will be fined under this new provision of law.

Senator Smith moved that the statements she made during the discussion of the bill and amendments be printed as her reasons for voting "no."

The motion prevailed.

Senator Smith's first statement is as follows:

I rise to express the same concern that the Senator from District 11 has raised here, and that is that at least one part of this ticket tax that is going to be assessed against speeders is going to be used for a program for the state to relieve a burden on our correction facilities by passing a responsibility down to the local units of government for housing people who would otherwise be in the prison system of the state of Michigan. We are asking people who speed to pay for a state program that has nothing to do with their infraction. I think that is unfair. I think it is a real stretch, it is a very unhealthy way to balance the budget here in hard times, and they certainly aren't going to see any relief from that ticket tax when we see better times. It will be a permanent addition.

I think there is also a question of the addition of yet another fee being assessed, and what that does with how the courts assess fines in this system. Right now the libraries of the state of Michigan rely heavily on the fine portion of any traffic ticket. By assessing yet another fee, we raise the ticket cost to such a level that the courts are going to begin to waive the fine, assess the fees and the court costs, and leave the libraries un- or underfunded. So I think it is in the best interest of the entire process that we at least take a look at how we are assessing the fines and whether or not the dollars will be delivered or some portion guaranteed to the libraries of the state of Michigan, and also how we go about assessing fees.

I don't have a problem with the secondary road fee. I think it is appropriate, it is related to the ticket, and it works. But I have a real concern about the jail reimbursement fee. I think it is inappropriate, and I think it answers the question in the wrong way. I would certainly look forward to an opportunity to present an amendment that strips that jail reimbursement fee off of the bill.

Senator Smith's second statement is as follows:

I can only speak for myself, but this amendment would strip the jail reimbursement fine off of the ticket. It is a fine unrelated to the offense of the person who committed the infraction. So, in stripping this, it makes it possible for those of us who want to support secondary road patrol to do that. It also makes the cost of doing business with the state, with tickets, possible for fines to continue to go to the libraries of the state of Michigan. I think we have a real problem here as we increase the fees, and court costs can be increased, then we don't assess fines in order to hold the ticket price down to a reasonable infraction cost.

Again, the jail reimbursement five dollars is a fine unrelated to the offense. I think it is appropriate to remove that fine, and let the bill go forward so that the secondary road patrols, which was how this bill originally began—as a mechanism to help the secondary road patrols create enough dollars that they stay in the business of catching speeders, drunk drivers, and other people who otherwise break the traffic laws. The fine on jail reimbursement, again, has nothing to do with the offense, and I would encourage my colleagues on both sides of the aisle to support the amendment.

Senator Smith's third statement is as follows:

It is real interesting that the sponsor of the bill would have us put the burden where the burden belongs and I guess for jail reimbursement since it is a state program and yes, it is a good program because it does relieve the need for additional prison space, but the burden does not belong on those speeders here in the state of Michigan or the drunk drivers. With the 20,000 OUIL drivers who have been removed from the street by secondary road patrols, we think that is great. I support the \$5.00 fee that goes to support the secondary road patrols.

I, too, spoke with my sheriff, and when he called me, he was supporting Senate Bill No. 677, a bill that would assess a fee of \$5.00 for the purpose of secondary road patrol. Because the local units of government, and the sheriff's department in particular, receives county jail reimbursement money, I wouldn't be at all surprised if they are also now supporting that \$5.00 fee. However, when this bill originated and we all got letters of support, it was for a secondary road patrol increase. Now those 20,000 OUIL drivers who have been removed from the roads, if my memory serves me correctly, would generate \$100,000 towards the jail reimbursement program.

I don't know how many people get speeding tickets here in the state of Michigan. That information isn't available. But I'm not confident that the \$5.00 fee that we are assessing here is going to replace the dollars that are required for the jail reimbursement program, so I think it is a little red herring that is being thrown out there. I think the bill is greatly improved and that the fairness and equity of the bill is improved.

I think Senator DeBeaussiaert pointed out very clearly that the nature of the budget deficit is such that we can't solve it by passing on our responsibility to a targeted population here in the state of Michigan. This is an unfair ticket tax because it does not do anything. It does not assess the offender with a proper penalty because the offender is not headed for the state correctional institutions and would not be served by the jail reimbursement program. I urge my colleagues to support the amendment.

Senator Smith's fourth statement is as follows:

I am perfectly happy to let the OUIL drunk drivers pay that \$5-million assessment. Let's see if we can't spread that out over 20,000 particular offenders. In the meantime, through the course of the discussion, we've had a chance to look at a couple of court decisions, and under the *Bolt* decision, this provision of the fee for jail reimbursement would be unconstitutional. So I guess we move the whole thing, see if the House fixes it and removes the jail reimbursement fee, and if not, we go to court.

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

The motion prevailed.

Senator Hoffman's statement is as follows:

Senator Gast did a fine job yesterday of explaining my bill in my absence, and I thank him for that. On Third Reading I think it wise that I take just a second to share with the membership again what this bill proposes to do. Very simply, what we are doing here is we are asking the lawbreakers of Michigan to pay for some of the cost of their misdeeds. Specifically, if you are a motorist and you get convicted of a civil infraction, there will be a \$5.00 assessment added to your traffic violation for the sheriffs' secondary road patrol in Michigan. In addition to that, there will also be a \$5.00 fee assessed for the jail reimbursement program for the sheriff departments across the state of Michigan. So in essence, this will be a \$10.00 increase for violators of motor vehicle violations in Michigan. If you don't violate the motor vehicle law, you don't pay.

The law is necessary, and this change is necessary because of reductions in our state's General Fund as a result of less revenue coming in. If we don't want to reduce the crime-fighting efforts of the sheriff departments, who last year alone took over 20,000 drunk drivers off the roads here in Michigan due to the secondary road patrol, and if you want to keep prisoners out of prison, keeping the costs of the Department of Corrections cheaper, then you have to go along, and you have to endorse the \$5.00 fee for the jail reimbursement program. I don't like increasing fees any more than anybody else does. But I feel a little better about this in the sense that we are asking lawbreakers to make the increased fee payments and not the people who are the law-abiding public. It is the law-abiding public that pays 95 percent of the bill. It is the lawbreakers who use 100 percent of the services. I would ask that the membership support passage of Senate Bill No. 677.

The following bill was read a third time:

Senate Bill No. 422, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing sections 3520 and 3615 (MCL 600.3520 and 600.3615).

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. 438**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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. 738, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2021 (MCL 600.2021).

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. 439**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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. 720, entitled

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 7 (MCL 28.257).

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. 440**Yeas—35**

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

Nays—0**Excused—2**

Johnson

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. 721, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending sections 2 and 3 (MCL 28.242 and 28.243), section 2 as amended by 1988 PA 40 and section 3 as amended by 1999 PA 266.

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. 441**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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. 722, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter IX (MCL 769.16a), as amended by 2000 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. 442**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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. 725, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2972.

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. 443**Yeas—35**

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

Nays—0**Excused—2**

Johnson

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. 726, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2b (MCL 28.422b), as added by 1994 PA 338.

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. 444

Yeas—35

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

Nays—0

Excused—2

Johnson 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. 727, entitled

A bill to amend 1961 PA 44, entitled “An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts,” by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

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. 445

Yeas—35

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

Nays—0

Excused—2

Johnson 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. 728, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2950a (MCL 600.2950a), as amended by 1999 PA 268.

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. 446**Yeas—35**

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

Nays—0**Excused—2**

Johnson

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. 729, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding sections 2950h, 2950i, 2950j, 2950k, and 2950l.

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. 447**Yeas—35**

Bennett	Emmons	Leland	Scott
Bullard	Garcia	McCotter	Shugars
Byrum	Gast	McManus	Sikkema

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Miller
Murphy
North
Peters
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Johnson

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. 731, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15c of chapter IV (MCL 764.15c), as amended by 1999 PA 269.

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. 448

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Johnson

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. 733, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27b to chapter VIII.

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. 449

Yeas—35

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

Nays—0

Excused—2

Johnson 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. 734, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 27a and 27b to chapter VIII.

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. 450

Yeas—35

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

Nays—0

Excused—2

Johnson

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. 735, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 9c and 15a of chapter IV, section 4a of chapter IX, and section 9a of chapter X (MCL 764.9c, 764.15a, 769.4a, and 770.9a), section 9c of chapter IV as amended by 1999 PA 76, section 15a of chapter IV as amended by 1999 PA 269, section 4a of chapter IX as amended by 1994 PA 68, and section 9a of chapter X as amended by 1994 PA 195.

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. 451

Yeas—35

Bennett

Emmons

Leland

Scott

Bullard

Garcia

McCotter

Shugars

Byrum

Gast

McManus

Sikkema

Cherry

Goschka

Miller

Smith

DeBeaussaert

Gougeon

Murphy

Steil

DeGrow

Hammerstrom

North

Stille

Dingell

Hart

Peters

Van Regenmorter

Dunaskiss

Hoffman

Schuette

Young

Emerson

Koivisto

Schwarz

Nays—0

Excused—2

Johnson

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. 751, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950 (MCL 600.2950), as amended by 1999 PA 268.

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. 452

Yeas—35

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

Nays—0

Excused—2

Johnson	Vaughn
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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. 752, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 1999 PA 268.

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. 453

Yeas—35

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

Nays—0

Excused—2

Johnson

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. 753, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15b of chapter IV (MCL 764.15b), as amended by 1999 PA 269.

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. 454

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Johnson

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. 754, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15c of chapter IV (MCL 764.15c), as amended by 1999 PA 269.

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. 455**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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. 755, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 1999 PA 268.

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. 456**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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. 756, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 22 of chapter XVI (MCL 776.22), as amended by 1994 PA 418.

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. 457**Yeas—35**

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

Nays—0**Excused—2**

Johnson	Vaughn
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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. 757, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 1, 2, 2c, and 14 of chapter XIIIA (MCL 712A.1, 712A.2, 712A.2c, and 712A.14), section 1 as amended by 2000 PA 46, section 2 as amended by 2000 PA 55, and sections 2c and 14 as amended by 1998 PA 474.

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. 458**Yeas—35**

Bennett	Emmons	Leland	Scott
Bullard	Garcia	McCotter	Shugars
Byrum	Gast	McManus	Sikkema

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Miller
Murphy
North
Peters
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Johnson

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. 758, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter IV (MCL 764.15), as amended by 2000 PA 208.

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. 459

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Johnson

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. 719, entitled

A bill to amend 1978 PA 389, entitled “An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the family independence agency,” (MCL 400.1501 to 400.1511) by adding section 11.

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. 460

Yeas—35

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

Nays—0

Excused—2

Johnson	Vaughn
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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. 723, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 2000 PA 462 and section 81a as amended by 1999 PA 270.

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. 461

Yeas—35

Bennett	Emmons	Leland	Scott
Bullard	Garcia	McCotter	Shugars
Byrum	Gast	McManus	Sikkema
Cherry	Goschka	Miller	Smith
DeBeaussaert	Gougeon	Murphy	Steil

DeGrow
Dingell
Dunaskiss
Emerson

Hammerstrom
Hart
Hoffman
Koivisto

North
Peters
Schuette
Schwarz

Stille
Van Regenmorter
Young

Nays—0

Excused—2

Johnson

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. 732, entitled

A bill to adopt the uniform child-custody jurisdiction and enforcement act prescribing the powers and duties of the court in a child-custody proceeding involving this state and a proceeding or party outside of this state; 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. 462

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Johnson

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. 736, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 19 (MCL 552.519), as amended by 1998 PA 63.

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. 463

Yeas—35

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

Nays—0

Excused—2

Johnson	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators North, Stille, Bennett, Steil, Schuette, McManus, Gougeon, Dunaskiss, Hart, Leland and Schwarz moved that they be named co-sponsors of the following bills:

Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 722
Senate Bill No. 725
Senate Bill No. 726
Senate Bill No. 727
Senate Bill No. 728
Senate Bill No. 729
Senate Bill No. 731
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753
Senate Bill No. 754
Senate Bill No. 755

Senate Bill No. 756
Senate Bill No. 757
Senate Bill No. 758
Senate Bill No. 719
Senate Bill No. 723
Senate Bill No. 732
Senate Bill No. 736
The motion prevailed.

Senators Peters, Byrum, Koivisto, DeBeaussaert, Miller and Murphy moved that they be named co-sponsors of the following bills:

Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 722
Senate Bill No. 725
Senate Bill No. 726
Senate Bill No. 727
Senate Bill No. 728
Senate Bill No. 729
Senate Bill No. 731
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753
Senate Bill No. 754
Senate Bill No. 755
Senate Bill No. 756
Senate Bill No. 757
Senate Bill No. 758
Senate Bill No. 719
Senate Bill No. 723
Senate Bill No. 732
The motion prevailed.

Senator Young moved that he be named co-sponsor of the following bills:

Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 722
Senate Bill No. 725
Senate Bill No. 726
Senate Bill No. 727
Senate Bill No. 728
Senate Bill No. 729
Senate Bill No. 731
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753
Senate Bill No. 754
Senate Bill No. 757
Senate Bill No. 758
Senate Bill No. 719
Senate Bill No. 723
Senate Bill No. 732
The motion prevailed.

Senator Van Regenmorter moved that he be named co-sponsor of the following bills:

Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 722
Senate Bill No. 725
Senate Bill No. 727
Senate Bill No. 728
Senate Bill No. 729
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753
Senate Bill No. 754
Senate Bill No. 755
Senate Bill No. 756
Senate Bill No. 757
Senate Bill No. 758
Senate Bill No. 719
Senate Bill No. 723
Senate Bill No. 732
Senate Bill No. 736

The motion prevailed.

Senator McCotter moved that he be named co-sponsor of the following bills:

Senate Bill No. 727
Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753
Senate Bill No. 754
Senate Bill No. 755
Senate Bill No. 756
Senate Bill No. 757
Senate Bill No. 758

The motion prevailed.

Senators Goschka and Bullard moved that they be named co-sponsors of the following bills:

Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753
Senate Bill No. 754
Senate Bill No. 755
Senate Bill No. 756
Senate Bill No. 757
Senate Bill No. 758

The motion prevailed.

Senator Sikkema moved that he be named co-sponsor of the following bills:

Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 722
Senate Bill No. 726
Senate Bill No. 727
Senate Bill No. 728
Senate Bill No. 729

Senate Bill No. 731
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753
Senate Bill No. 754
Senate Bill No. 755
Senate Bill No. 756
Senate Bill No. 757
Senate Bill No. 758
Senate Bill No. 719
Senate Bill No. 723
Senate Bill No. 732
Senate Bill No. 736

The motion prevailed.

Senator Scott moved that she be named co-sponsor of the following bills:

Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 722
Senate Bill No. 725
Senate Bill No. 726
Senate Bill No. 727
Senate Bill No. 728
Senate Bill No. 729
Senate Bill No. 731
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753
Senate Bill No. 754
Senate Bill No. 757
Senate Bill No. 758
Senate Bill No. 719
Senate Bill No. 723

The motion prevailed.

Senator Smith moved that she be named co-sponsor of the following bills:

Senate Bill No. 720
Senate Bill No. 721
Senate Bill No. 722
Senate Bill No. 725
Senate Bill No. 726
Senate Bill No. 727
Senate Bill No. 728
Senate Bill No. 729
Senate Bill No. 731
Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 735
Senate Bill No. 751
Senate Bill No. 752
Senate Bill No. 753

- Senate Bill No. 754**
- Senate Bill No. 755**
- Senate Bill No. 756**
- Senate Bill No. 757**
- Senate Bill No. 758**
- Senate Bill No. 723**
- Senate Bill No. 732**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 808, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1998 PA 103.

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. 464

Yeas—35

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

Nays—0

Excused—2

Johnson	Vaughn
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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. 4775, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 11a (MCL 408.481a), as added by 1996 PA 215.

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. 465**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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 of the bill.

The following bill was read a third time:

Senate Bill No. 639, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 8142 (MCL 500.8142), as amended by 1998 PA 279.

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. 466**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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. 718, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 551 (MCL 418.551), as amended by 1992 PA 269.

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. 467**Yeas—35**

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

Nays—0**Excused—2**

Johnson

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. 4995, entitled

A bill to amend 1943 PA 184, entitled “Township zoning act,” by amending section 40 (MCL 125.310), as amended by 2000 PA 384, and by adding section 16h.

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. 468**Yeas—33**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Gast
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

McManus
Miller
Murphy
North
Peters
Schuette

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—2

Goschka

Shugars

Excused—2

Johnson

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 Emmons offered to amend the title to read as follows:

A bill to amend 1943 PA 184, entitled "An act to provide for the establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies," by amending sections 12 and 40 (MCL 125.282 and 125.310), section 12 as amended by 1996 PA 297 and section 40 as amended by 2000 PA 384, and by adding section 16h.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 5028, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 40 (MCL 125.240), as amended by 2000 PA 385, and by adding section 16h.

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. 469

Yeas—33

Bennett
Bullard

Emmons
Garcia

Leland
McCotter

Schwarz
Scott

Byrum	Gast	McManus	Sikkema
Cherry	Gougeon	Miller	Smith
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hart	North	Stille
Dingell	Hoffman	Peters	Van Regenmorter
Dunaskiss	Koivisto	Schuette	Young
Emerson			

Nays—2

Goschka	Shugars
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Excused—2

Johnson	Vaughn
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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 establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5029, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending section 20 (MCL 125.600), as amended by 2000 PA 383, and by adding section 4f.

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. 470**Yeas—33**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Sikkema

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Miller
Murphy
North
Peters
Schuette

Smith
Steil
Stille
Van Regenmorter
Young

Nays—2

Goschka

Shugars

Excused—2

Johnson

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 establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4753, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 2131 (MCL 324.2131), as added by 1995 PA 60.

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. 471

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom

Leland
McCotter
McManus
Miller
Murphy
North

Scott
Shugars
Sikkema
Smith
Steil
Stille

Dingell
Dunaskiss
Emerson

Hart
Hoffman
Koivisto

Peters
Schuette
Schwarz

Van Regenmorter
Young

Nays—0

Excused—2

Johnson

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

The Senate agreed to the full title.

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

Senate Bill No. 638

House Bill No. 4872

House Bill No. 5189

Senate Bill No. 715

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 638, entitled

A bill to amend 1996 PA 480, entitled “An act to make appropriations for the judicial branch for the fiscal year ending September 30, 1997; to make appropriations to various state departments for the fiscal year ending September 30, 1997; to make appropriations for a capital outlay program for fiscal years ending September 30, 1997; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies, universities, and community colleges; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the acquisition of land and the development of public recreation facilities; to provide for the powers and duties of certain state agencies, employees, and officials; and to provide for the expenditure of the appropriations,” by amending section 1813.

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. 472**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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. 4872, entitled

A bill to amend 1978 PA 639, entitled “Hertel-Law-T. Stopczynski port authority act,” by amending section 5 (MCL 120.105).

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. 473**Yeas—35**

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

Nays—0**Excused—2**

Johnson 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 authorize the establishing of port authorities in cities and counties; to prescribe the powers and duties of port authorities, cities, and counties; to authorize the incurrence of contract obligations and the issuance and payment of bonds or other evidences of indebtedness; to provide for a pledge by a city or county of its full faith and credit for the payment of contract obligations entered into under this act and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; to provide for the adoption of a port facilities plan; to provide for the financing of the operating budget of port authorities; 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. 5189, entitled

A bill to enter into the interstate emergency management assistance compact.

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. 474**Yeas—34**

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

Nays—0**Excused—2**

Johnson

Vaughn

Not Voting—1

Dunaskiss

In The Chair: Schwarz

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 715, entitled

A bill to enter into the interstate emergency management assistance compact.

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. 475

Yeas—35

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

Nays—0

Excused—2

Johnson Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communications were received:

Office of the Auditor General

November 6, 2001

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Macomb Correctional Facility, Department of Corrections, November 2001.

November 7, 2001

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Office of Special Education and Early Intervention Services, Department of Education, November 2001.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Secretary for record.

The following communication was received:

November 7, 2001

The Honorable John M. Engler
Governor, State of Michigan
2nd Floor Romney Building
111 S. Capitol Avenue
Lansing, Michigan 48909

Dear Governor:

Pursuant to the authority vested in you by Article V, Section 20 of the Constitution of the State of Michigan, and language contained in P.A. 431 of 1984, as amended: I, Senator Harry Gast, Chairman of the Senate Appropriations Committee of the Michigan State Legislature, hereby certify that the official minutes of our Committee show that the majority of members of our Committee, elected and serving, are recorded as approving Executive Order No. 2001-9, dated November 6, 2001.

Sincerely,
Harry Gast, Chairman
Senate Appropriations Committee

The communication was referred to the Secretary for record.

Senator Emmons moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 759

Senate Bill No. 173

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

Senator Emerson requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 476

Yeas—21

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

Nays—14

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

Excused—2

Johnson Vaughn

Not Voting—0

In The Chair: Schwarz

By unanimous consent the Senate returned 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 Assistant President pro tempore, Senator Hoffman, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 759, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 57 (MCL 169.257), as amended by 1996 PA 590, and by adding sections 58 and 59.

Substitute (S-2).

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

1. Amend page 24, line 10, by striking out all of enacting section 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.

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

Senate Bill No. 173, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 570, 576, 587, 706, 737, 782b, 795c, 803, and 804 (MCL 168.570, 168.576, 168.587, 168.706, 168.737, 168.782b, 168.795c, 168.803, and 168.804), sections 570, 706, and 737 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, section 795c as amended by 1990 PA 109, and section 803 as amended by 1997 PA 137.

Substitute (S-1).

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

1. Amend page 6, line 3, by striking out all of section 181.

2. Amend page 19, line 14, after "EACH" by inserting "BOARD".

3. Amend page 45, following line 2, by inserting:

"(4) MONEY APPROPRIATED UNDER SUBSECTION (1) IS NOT AN APPROPRIATION FOR PURPOSES OF ARTICLE II, SECTION 9, OF THE CONSTITUTION OF 1963."

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
Third Reading of Bills

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

Senate Bill No. 759

Senate Bill No. 173

Senate Bill No. 516

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

Senator Peters requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 477

Yeas—20

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

Nays—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Excused—2

Johnson

Vaughn

Not Voting—1

Dunaskiss

In The Chair: Hoffman

The following bill was read a third time:

Senate Bill No. 759, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 2, 6, 7, 9, 11, 15, 29, 42, and 57 (MCL 169.202, 169.206, 169.207, 169.209, 169.211, 169.215, 169.229, 169.242, and 169.257), sections 2 and 7 as amended by 1994 PA 385, section 6 as amended by 1995 PA 264, sections 9, 11, and 57 as amended by 1996 PA 590, section 15 as amended by 2000 PA 201, and sections 29 and 42 as amended by 1999 PA 237, and by adding sections 58 and 59.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 21, line 23, after “(a)” by inserting a comma and “OR IN THE PRODUCTION OF ADVERTISING IN ANY MEDIUM, OR FOR ANY MEDIA PRODUCTION THAT WILL BE BROADCAST BY ELECTRONIC MEDIA TO THE GENERAL PUBLIC, THAT FEATURES THE VOICE, IMAGE, OR VOICE AND IMAGE OF A PERSON WHO HAS FILED A STATEMENT OF ORGANIZATION UNDER THE CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.201 TO 169.282, WITH THE INTENT OF STANDING FOR ELECTION TO A STATEWIDE PUBLIC OFFICE”.

The question being on the adoption of the amendment,

Senator Emerson 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. 478**Yeas—14**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Nays—21

Bennett
Bullard

Gast
Goschka

McCotter
McManus

Shugars
Sikkema

DeGrow
Dunaskiss
Emmons
Garcia

Gougeon
Hammerstrom
Hoffman

North
Schuette
Schwarz

Steil
Stille
Van Regenmorter

Excused—2

Johnson

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Cherry offered the following amendment:

1. Amend page 23, following line 7, by inserting:

“SEC. 59. A PUBLICLY HELD CORPORATION OR A PERSON ACTING ON BEHALF OF A PUBLICLY-HELD CORPORATION SHALL NOT EXPEND TREASURY FUNDS FOR THE PURPOSE OF INFLUENCING THE OUTCOME OF AN ELECTION WITHOUT THE EXPRESSED APPROVAL OF THE SHAREHOLDERS OF THE CORPORATION.” and renumbering the remaining subsection.

The question being on the adoption of the amendment,

Senator Cherry 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. 479

Yeas—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman

McCotter
McManus
North
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—2

Johnson

Vaughn

Not Voting—0

In The Chair: Hoffman

Protest

Senator McCotter, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Cherry to Senate Bill No. 759.

Senator McCotter’s statement is as follows:

I would just like to say that I voted “no” on the past amendment. Unlike the situation where a shareholder of a corporation may freely alienate those shares and then invest the equivalent sum of money in another corporation, it is far more problematical for individuals who are in unions to renounce their union membership and seek employment elsewhere. So I did not see any correlation between the two.

Senator Peters offered the following amendment:

1. Amend page 21, line 5, after “OFFICE” by striking out “OR THE QUALIFICATION, PASSAGE, OR DEFEAT OF A BALLOT QUESTION”.

The question being on the adoption of the amendment,

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. 480

Yeas—14

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

Nays—21

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

Excused—2

Johnson	Vaughn
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Not Voting—0

In The Chair: Hoffman

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

The motion prevailed.

Senator McCotter’s statement is as follows:

I would just differ with the previous speaker in that there seems, in that argument, to be an implicit proposition that an association has some type of right to use taxpayers’ money to advocate political positions. I think that the intent of the bill is to the contrary, and that is why I will oppose the amendment.

Senator DeGrow's statement is as follows:

There is no constitutional right to use taxpayer dollars to advocate the passage or defeat of a ballot proposal. An organization has the right to raise money to participate in that, and we're not saying they cannot participate. But that would be no different than us taking \$2 million from the General Fund and opposing something that is on the ballot. Both would be wrong, and I am amazed it got this far.

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. 481

Yeas—21

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

Nays—14

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

Excused—2

Johnson	Vaughn
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Protests

Senators Cherry and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 759.

Senator Cherry's statement, in which Senator Smith concurred, is as follows:

I voted "no" because I believe the previous bill was an unconstitutional infringement upon a person's right to express their views and beliefs regarding ballot proposals, and for that reason, I chose to vote "no."

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

The following bill was read a third time:

Senate Bill No. 173, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 73, 283, 393, 509y, 509aa, 558, 561, 561a, 590f, 686, 691, 706, 727, 737, 745, 769, 782b, 795, 795c, 799a, 803, 804, 842, 880a, 931, and

992 (MCL 168.2, 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.558, 168.561, 168.561a, 168.590f, 168.686, 168.691, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.799a, 168.803, 168.804, 168.842, 168.880a, 168.931, and 168.992), sections 2, 73, 283, 393, and 686 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, sections 509y and 509aa as added by 1994 PA 441, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, section 795 as amended by 1999 PA 218, section 795c as amended by 1990 PA 109, sections 799a and 803 as amended by 1997 PA 137, and section 931 as amended by 1996 PA 583, and by adding sections 181, 560b, and 701; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Byrum offered the following amendments:

1. Amend page 20, line 8, by striking out all of sections 701 and 706.
2. Amend page 24, line 15, by striking out all of section 737.
3. Amend page 29, line 11, by striking out all of section 782b.
4. Amend page 33, line 10, by striking out all of section 795c.
5. Amend page 36, line 7, after “unless” by inserting “a cross or a check mark has been placed by the voter in the circle at the head of the party ticket, if any, on which the name of the candidate has been printed, written, or placed or unless”.
6. Amend page 36, line 24, by striking out all of section 804.

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

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 482

Yeas—15

Byrum	Emerson	Leland	Scott
Cherry	Goschka	Miller	Smith
DeBeaussaert	Hart	Murphy	Young
Dingell	Koivisto	Peters	

Nays—19

Bennett	Garcia	McManus	Sikkema
Bullard	Gast	North	Steil
DeGrow	Gougeon	Schuette	Stille
Dunaskiss	Hammerstrom	Schwarz	Van Regenmorter
Emmons	McCotter	Shugars	

Excused—2

Johnson	Vaughn
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Not Voting—1

Hoffman

In The Chair: Schwarz

Senator Byrum offered the following amendments:

1. Amend page 8, line 23, after “Provides” by striking out “PICTURE” and inserting “proof of”.
2. Amend page 8, line 24, after ‘to’ by striking out “VERIFY THE” and inserting “satisfy the clerk as to the”.

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

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 483**Yeas—14**

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

Nays—21

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

Excused—2

Johnson	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Byrum offered the following amendment:

1. Amend page 44, line 22, after “FOR” by striking out the balance of the subsection and inserting “GRANTS TO COUNTIES TO IMPROVE VOTING EQUIPMENT AND PROCESSES BY DOING 1 OR MORE OF THE FOLLOWING:

(A) ACQUIRING AND USING BALLOT TABULATING EQUIPMENT IN EACH PRECINCT.

(B) ELIMINATING OVERVOTING.

(C) PROVIDING NOTIFICATION OF UNDERVOTING OR OTHER METHODS OF SPOILING A BALLOT.

(D) PROTECTING AGAINST TAMPERING.

(E) IMPROVING AUDITABILITY.

(F) EXPANDING VOTER ACCESS THROUGH THE USE OF AN ON-LINE VOTING OR EARLY VOTING PILOT PROJECT.”.

The question being on the adoption of the amendment,

Senator Emerson 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. 484**Yeas—15**

Byrum	Emerson	Leland	Scott
Cherry	Goschka	Miller	Smith
DeBeaussaert	Hart	Murphy	Young
Dingell	Koivisto	Peters	

Nays—20

Bennett	Garcia	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Schuetter	Stille
Emmons	Hoffman	Schwarz	Van Regenmorter

Excused—2

Johnson	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Smith offered the following amendment:

1. Amend page 20, following line 7, by inserting:

“Sec. 700. IF A CANDIDATE FOR JUSTICE OF THE SUPREME COURT IS NOMINATED AT A STATE PARTY CONVENTION, ON THE BALLOT BELOW THAT CANDIDATE’S NAME SHALL APPEAR THE WORDS “NOMINATED AT THE..... PARTY CONVENTION” WITH THE PARTY’S NAME IN THE BLANK SPACE. THE DESIGNATION UNDER THIS SECTION SHALL APPEAR IN ADDITION TO THE CANDIDATE’S INCUMBENCY DESIGNATION, IF ANY.”.

The question being on the adoption of the amendment,

Senator Emerson 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. 485**Yeas—15**

Byrum	Emerson	Leland	Scott
Cherry	Goschka	Miller	Smith
DeBeaussaert	Hart	Murphy	Young
Dingell	Koivisto	Peters	

Nays—20

Bennett	Garcia	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Schuetter	Stille
Emmons	Hoffman	Schwarz	Van Regenmorter

Excused—2

Johnson	Vaughn
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Not Voting—0

In The Chair: Schwarz

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

Roll Call No. 486**Yeas—20**

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

Nays—15

Byrum	Emerson	Leland	Scott
Cherry	Goschka	Miller	Smith
DeBeaussaert	Hart	Murphy	Young
Dingell	Koivisto	Peters	

Excused—2

Johnson	Vaughn
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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, 31, 73, 283, 393, 509y, 509aa, 558, 561, 561a, 590f, 686, 691, 706, 727, 737, 745, 769, 782b, 795, 795c, 799a, 803, 804, 842, 880a, 931, and 992 (MCL 168.2, 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.558, 168.561, 168.590f, 168.686, 168.691, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.799a, 168.803, 168.804, 168.842, 168.880a, 168.931, and 168.992), sections 2, 73, 283, 393, and 686 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, sections 509y and 509aa as added by 1994 PA 441, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, section 795 as amended by 1999 PA 218, section 795c as amended by 1990 PA 109, sections 799a and 803 as amended by 1997 PA 137, and section 931 as amended by 1996 PA 583, and by adding sections 560b and 701; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Byrum, Cherry, Emerson, Smith, DeBeaussaert, Scott, Murphy, Miller and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 173.

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

The motion prevailed.

Senator Byrum's statement, in which Senators Cherry, Emerson, Smith, DeBeaussaert, Scott, Murphy, Miller and Young concurred, is as follows:

I urge a "no" vote on Senate Bill No. 173. This is not election reform. It has been a very frustrating experience starting when I was in the Government Operations Committee meeting this past Tuesday evening. As we sat and looked

at bills thrust in front of us at the last minute, literally still warm, today they were warm substitutes because they had been re-written and re-written because we don't fully understand the total implication of what we're passing. We've been passing it in such a rush.

I mentioned earlier that I was grateful for the Secretary of the Senate reading the bill because it was probably the first time that anyone here had actually been able to read or listen to what was in the bill from the front page to the last page. But this is not election reform. We should be ashamed of the process and the legislation that is in front of us. When you have testifying in front of the committee but no one who supports the concepts of what is going on in this bill, then we should take pause and ask ourselves what is the real reason that we are doing this.

There is so much common ground that we could find on election reform that would move us forward, not take us a giant step backward. When we talk about the access, accuracy, and accountability of our election process, we should be very careful in how we exercise our decision making along those lines. Being able to vote and have your vote counted and have a pretty high assurance when you go to the polls you are going to have access and that you have a high probability of casting a countable ballot is a fundamental right to citizenship that we should take very seriously in the Senate chamber tonight. Yet we are not doing that; we are taking a step backward.

The provisions that I have tried to amend through my series of amendments today address common ground that you will hear on Republican and Democratic and Independent sides of the issue, from the U.P to the Lower Peninsula, from the east side to the west side of the state. We can find common ground that moves us forward, and we should be doing that. We should not practice once more divide and conquer, partisan politics, as it relates to election reform, yet that's what we have before us. It's wrong, it's a sham, and it is broken down on partisan bitterness which we have far too long traveled that path. It is time to come together and bolster our democracy so that all citizens might enjoy the freedoms our democracy provides.

When we set up a system where people feel disenfranchised and don't have faith in the integrity of the voting system, then we all falter, and our democracy collectively is weakened. That is not what we should be about in this Michigan Senate and the state of Michigan. And I would urge a "no" vote on Senate Bill No. 173.

Senators Byrum, McManus and McCotter 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 first statement is as follows:

I want to thank the Secretary of the Senate for reading the bill. I would make the observation that this is probably the first time that anyone in this chamber has actually heard the legislation before us from start to finish. In fact, one of the things that is so troubling is the fact that we are in such a rush to pass something that could have such far-reaching implications for the voters of the state of Michigan. The Byrum amendment that is before you would strike the provision that calls for a straight-party vote. I maintain that this is not election reform. In fact, it is necessary to pass the Byrum amendment that would maintain a citizens right to cast a straight-ticket vote. Understanding that this is a choice, this is an option that they currently have, and there is no good reason that has been voiced on the Senate floor today nor during the process of the committee hearing or any of the testimony that we heard that would indicate it is necessary or prudent or wise to eliminate the provision of a straight-ticket vote.

We have to ask ourselves, when it comes to voting reform, what kinds of measures would make a significant impact to enhance our voting process? Clearly, the elimination of a straight-ticket vote option is not among those things. What will happen is you will have longer lines, and you will have increased costs for the local municipality because they are going to have to recalibrate their machines. It may necessitate increased personnel to handle the volume created by the inconvenience of not being able to cast that straight-ticket vote. It's going to clearly add to confusion, and every time you have confusion, people end up getting disenfranchised. We saw this in the last election because of a bill that we had passed just prior to the last presidential general election just a little over a year ago.

The only observation that has presented itself on the floor today as to why we should be eliminating this option for voters is to try to get people to vote the nonpartisan part of the ballot—the falloff. Coupled with the fact that voters are actually quite uninformed according to the other side of the aisle, and they need to be more informed so they can go office by office, issue by issue, question by question and cast a vote for each and every one of those—when, in fact, they could make that decision on an informed basis to vote a straight ticket if they consider themselves a strong party person and want to exercise that right.

I would urge the adoption of the Byrum amendment. It tries to restore some balance in what really is election reform, understanding that eliminating the ability to vote a straight ticket is not election reform. My comments are backed up by the testimony before the Government Operations Committee as well as positions taken by the county clerks association and the Michigan Township Association. I would urge support of the Byrum amendment.

Senator Byrum's second statement is as follows:

This amendment would strike the requirement that a picture ID must be presented when you are a challenged voter. Understand that within this proposed bill in front of us we have switched from an affidavit to a provisional ballot. And with a provisional ballot that changes the whole requirement already for what a challenged voter must do. They must sign an affidavit, and that provisional ballot is set aside and not counted until they can verify if that individual is a registered voter because their name does not appear either on the qualified voter file or on the voter list at the polls. This is unnecessary to require a picture ID. at that time.

There is a process in place with a provisional ballot that would validate that that person is who they say they are by the other requirements set forth in the law. Really what having to show a picture ID does is it intimidates a voter. It will particularly intimidate those voters who traditionally have been targets of challenges. We've seen this time and time again. I identified some of the situations that have occurred in this state during the General Orders debate.

I think that if we're honest in what we are trying to do here, there is no need to require somebody to jump through one more hoop and provide a picture ID. It's intimidation, and it will have a chilling effect on someone going to the polls and voting. And remember, their votes are already set aside in a provisional ballot, and it's not going to be counted until it's proved that they are, in fact, legitimately registered to vote. It's unnecessary. I believe it's unconstitutional, and we should not be doing this. My amendment would strike that picture ID requirement.

Senator Byrum's third statement is as follows:

If we really wanted to address the problems on the qualified voter file and the master voter file, we would be spending much more time, energy, and finances toward clerk training. Far and far again, the issues that are involved with the qualified voter file having errors are clerk-generated.

Now let's look back to what happened in East Lansing just a year ago in the last general election—the presidential election year. We had numerous students who had registered to vote, yet we had a local clerk who didn't have an up-to-date qualified voter file. Her voter records were not accurate, and she had not entered qualified voters who had registered in that 30-day window. So she was ill-prepared for that election, and people were disenfranchised as a result.

Now if we want to be serious about having that qualified voter file as an accurate mechanism, we would invest in clerk training and we would bolster the Secretary of State's resources in order to achieve that. We would not intimidate voters by requesting that they have a picture ID. I think that this veil of integrity of the election system is thinly disguised with this provision in this bill. We should not be doing this. You're changing to a provisional ballot anyway so that is not counted. It's set aside to make sure that it is a valid registered voter. That process should be sufficient without requiring a picture ID on top of all of it.

Senator Byrum's fourth statement is as follows:

This amendment would redirect any potential funding Michigan might receive from the federal government for upgrading voting equipment. As written, the bill requires that the money be spent to purchase optical scan voting equipment for all voting jurisdictions. There are two problems with this provision.

First, it earmarks only \$14 million when the Senate Fiscal Agency has estimated that it would cost between \$26 million and possibly as much as \$31 million to implement this statewide optical scan voting equipment. The second reason is that we have local control of elections here in Michigan. It's very obvious that when you go to the local clerks that there is minimal support for a one-size-fits-all voting technology.

A wiser approach would be to let local communities decide how they might best improve their voting systems. My amendment does this, and it makes the monies available to local jurisdictions and permits them to decide how they will upgrade their equipment. However, it specifies that upgrades must have precinct ballot counting and improved auditing and security measures. If you have precinct-based readers, that is the most cost-effective way to upgrade Michigan's voting equipment using today's technologies. This is an amendment that I think deserves the body's support, and I would urge adoption of the Byrum amendment.

Senator McManus' statement is as follows:

This is one small step forward to good voting procedure in Michigan, and I rise to support it. One of these days we'll get all the votes out of the cemetery, and we will make it more and more difficult to vote early and often. I have been waiting for 20 years to vote for this bill.

In 1982, I wanted to become a trustee of Michigan State University. I was fully qualified, having been in agriculture for years, and being a retiree of the extension service. In that election, I campaigned around the state and was far superior to the other candidate in terms of both my educational background and my agricultural background. But because the head of the ticket didn't win, those of us on the bottom of the ticket didn't win. And the person who beat me in that election stayed on that board at Michigan State just four months before he found something better to do. He had absolutely no interest in the university; it was strictly a political interest to keep his name in front of the public.

So I have been opposed to the idea of voting a straight ticket ever since, and this is the first chance I've had in 20 years to vote in favor of getting rid of it. That is exactly what I intend to do, and I would encourage you all to do so.

One further comment, and that is that I think you ought to have a little more respect for us senior citizens. My wife and I both vote absentee ballot, and I'll tell you, it doesn't take us all that much more time to make several X's rather than one X. And not only that, but we enjoy once in awhile not voting for somebody and just leaving it blank if we don't happen to agree with the person.

So I would urge a "yes" vote.

Senator McCotter’s statement is as follows:

I would just like to say a couple of things for the record on behalf of myself to my constituents.

Number one, I don’t vote straight party; I will admit that. I’m happy to admit that, even as a proud former Republican chairman. I don’t vote straight party; I vote the person. If someone wants to ask me that, that’s the truth. So perhaps this issue is not as salient to me because I prefer to vote the person rather than the party. Because I think, as some of you may know from the recent past, there are some Republicans I would never vote for.

Secondly, I think that if this is for partisan advantage, it doesn’t benefit this partisan. I can think of a lot of partisans on my side of the aisle who will not be benefitted from this because we come from districts where the straight-party vote, as currently exercised, is predominantly Republican, and those voters will not avail themselves to the technical convenience.

I would just like the people of my district to know that regardless of what happens with this proposed statute, they will still retain their United States constitutional right to vote a straight-party ticket. They will just not have the technical convenience to assist them in doing so. They can go down the ballot and vote for every single Democrat. They can go down the ballot and vote for every single Republican. That right is still viable and remains intact.

We have had a debate today which I think has been very helpful. We have seen two clear distinctions. There are those whose emphasis is on convenience and access to the ballot—both worthy goals—and those who are concerned with the accuracy and integrity of the ballot, to a greater degree—also both worthy concerns. And we’re trying to strike that balance today. I will always come down on the side of the accuracy and integrity of the vote, and I’m prepared to sacrifice convenience to ensure that there is no fraud that creeps in the system and that public confidence in our elections remains high.

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

The following bill was read a third time:

Senate Bill No. 516, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 39d.

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. 487

Yeas—34

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

Nays—0

Excused—3

Johnson	Leland	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 173, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 73, 283, 393, 509y, 509aa, 558, 561, 561a, 590f, 686, 691, 706, 727, 737, 745, 769, 782b, 795, 795c, 799a, 803, 804, 842, 880a, 931, and 992 (MCL 168.2, 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.558, 168.561, 168.561a, 168.590f, 168.686, 168.691, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.799a, 168.803, 168.804, 168.842, 168.880a, 168.931, and 168.992), sections 2, 73, 283, 393, and 686 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, sections 509y and 509aa as added by 1994 PA 441, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, section 795 as amended by 1999 PA 218, section 795c as amended by 1990 PA 109, sections 799a and 803 as amended by 1997 PA 137, and section 931 as amended by 1996 PA 583, and by adding sections 181, 560b, and 701; and to repeal acts and parts of acts.

On which motion Senator Emmons requested the yeas and nays.

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

The motion did not prevail, a majority of the members serving not voting therefor, as follows:

Roll Call No. 488

Yeas—13

Byrum	Emerson	Miller	Scott
Cherry	Hart	Murphy	Smith
DeBeaussaert	Koivisto	Peters	Young
Dingell			

Nays—21

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

Excused—3

Johnson	Leland	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senators DeBeaussaert, Young, Murphy, Gougeon, McCotter, Stille, Dunaskiss, Steil, Scott, Shugars, Hammerstrom, Schwarz, Garcia, Hoffman and Van Regenmorter moved that they be named co-sponsors of the following bill:

Senate Bill No. 516

The motion prevailed.

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 resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Resolution No. 124

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

By unanimous consent the Senate proceeded to the order of
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. 132

Senate Resolution No. 133

The resolution consent calendar was adopted.

Senators Schwarz and Gougeon offered the following resolution:

Senate Resolution No. 132.

A resolution providing for the relocation of the POW/MIA flag from the Senate flagstaff at the Capitol to the Michigan Vietnam Memorial in Lansing.

Whereas, For 225 years, our nation has drawn strength from the devotion of our fellow citizens who have taken up arms to preserve our liberties and way of life. Those who have not returned to their families after answering the call to service have given gifts to us all that can never be repaid. In the wake of the events of September 11, 2001, we are all reminded anew of the price of freedom; and

Whereas, In addition to those who lost their lives in Vietnam, including more than 2,600 from Michigan, our nation still suffers from the approximately 2,000 for whom there is still no accounting. For the families of these missing heroes, the lack of finality in knowing the fate of their loved ones brings its own unique sense of sorrow and loss. While lost, these patriots must never be forgotten; and

Whereas, Since 1991, the POW/MIA flag has flown over the Michigan Senate as a symbol of our state's steadfast support of efforts to gain a full accounting of our personnel. The completion and dedication of the Michigan Vietnam Memorial is also a vivid symbol of Michigan's gratitude to those who perished in the war and those who never returned to us. The memorial's listing of the names of the dead and those missing will stand as an inspiration to future generations and a reminder that time will not erode our memory or our sense of gratitude; now, therefore, be it

Resolved by the Senate, That we direct that the POW/MIA flag from the Senate flagstaff at the Capitol be relocated to the Michigan Vietnam Memorial in Lansing; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Vietnam Monument Commission.

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 Hammerstrom offered the following resolution:

Senate Resolution No. 133.

A resolution designating the week of November 18-24, 2001, as Family Week in Michigan.

Whereas, We recognize that strong families are the center of strong communities and encourage all Michigan citizens and organizations to recommit to enhancing and extending all family connections. Families serve as the primary source of love, identity, self-esteem, and support. They are the very foundation of our state; and

Whereas, All Michigan citizens and organizations contribute to making families successful, most importantly, families themselves. Municipalities, neighborhood organizations, businesses, nonprofit organizations, and public officials also have an impact on families; and

Whereas, Thanksgiving week is a very special time for families. During this week, we all should take time to honor the importance of families and recognize the connections that support and strengthen families year round; now, therefore, be it

Resolved by the Senate, That the members of this legislative body designate the week of November 18-24, 2001, as Family Week in Michigan.

Senate Resolution No. 124.

A resolution to memorialize the Congress of the United States to include accelerated highway investments in any short-term economic stimulus package that is passed.

The question being on the adoption of the resolution,

The resolution was adopted.

Introduction and Referral of Bills

Senators Emmons, Dunaskiss and Garcia introduced

Senate Bill No. 824, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3a (MCL 205.93a), as amended by 1998 PA 366, and by adding section 3b.

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

Committee Reports

The Committee on Government Operations reported

Senate Bill No. 173, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 570, 576, 587, 706, 737, 782b, 795c, 803, and 804 (MCL 168.570, 168.576, 168.587, 168.706, 168.737, 168.782b, 168.795c, 168.803, and 168.804), sections 570, 706, and 737 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, section 795c as amended by 1990 PA 109, and section 803 as amended by 1997 PA 137.

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

Thaddeus McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators Byrum and Miller

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

The Committee on Government Operations reported

Senate Bill No. 438, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 11a, 503, 613, 616, 617, 661, 681, 687, 690, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351, 1361, 1451, 1722, and 1732 (MCL 380.4, 380.5, 380.6, 380.11a, 380.503, 380.613, 380.616, 380.617, 380.661, 380.681, 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 380.1732), section 5 as amended by 1999 PA 23, sections 6, 503, 687, and 690 as amended and section 11a as added by 1995 PA 289, section 617 as amended by 1989 PA 268, sections 681, 705, and 1451 as amended by 1994 PA 258, section 703 as amended by 1981 PA 87, sections 857 and 858 as amended by 1992 PA 263, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 1992 PA 236, and section 1351 as amended by 1997 PA 152, and by adding sections 629a, 1206, and 1351c; and to repeal acts and parts of acts.

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

Thaddeus McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators Byrum and Miller

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

The Committee on Government Operations reported

Senate Bill No. 439, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 644.

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

Thaddeus McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators Byrum and Miller

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

The Committee on Government Operations reported

Senate Bill No. 440, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 3, 321, 322, 358a, 370, 381, 382, 538, 635, 644b, 644c, 644e, 644g, 646a, 963, and 971 (MCL 168.3, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.538, 168.635, 168.644b, 168.644c, 168.644e, 168.644g, 168.646a, 168.963, and 168.971), 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 646a as amended by 1990 PA 7, and section 963 as amended by 1999 PA 220, and by adding sections 17 and 643b and chapter XIV; and to repeal acts and parts of acts.

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

Thaddeus McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators Byrum and Miller

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

The Committee on Government Operations reported

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.

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

Thaddeus McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators Byrum and Miller

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

The Committee on Government Operations reported

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.

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

Thaddeus McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators Byrum and Miller

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

The Committee on Government Operations reported

Senate Bill No. 443, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 1, 5, and 13 of chapter II, sections 1, 2, 3, and 7 of chapter III, section 23 of chapter IX, section 3 of chapter XII, and section 18a of chapter XIV (MCL 62.1, 62.5, 62.13, 63.1, 63.2, 63.3, 63.7, 69.23, 72.3, and 74.18a), sections 1, 5, and 13 of chapter II and sections 2 and 7 of chapter III 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 by 1998 PA 254.

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

Thaddeus McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema

Nays: Senators Byrum and Miller

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

The Committee on Government Operations reported
Senate Bill No. 444, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 2, 17, 21, 32, 34, 34a, 36, 37, 38, 39, 42, 51, 52, 54, 55, 56, 57, 58, 59, 62, 83, 84, 86, 105, 107, 122, 144, and 152 (MCL 389.2, 389.17, 389.21, 389.32, 389.34, 389.34a, 389.36, 389.37, 389.38, 389.39, 389.42, 389.51, 389.52, 389.54, 389.55, 389.56, 389.57, 389.58, 389.59, 389.62, 389.83, 389.84, 389.86, 389.105, 389.107, 389.122, 389.144, and 389.152), section 2 as added by 1998 PA 153, sections 17, 21, 34, 37, 42, 54, 57, and 62 as amended and section 86 as added by 2000 PA 488, section 34a as amended by 1982 PA 381, section 83 as amended by 1992 PA 20, section 122 as amended by 1984 PA 148, section 144 as amended by 1990 PA 287, and section 152 as amended by 1990 PA 11; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

Thaddeus McCotter
 Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema
 Nays: Senators Byrum and Miller
 The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported
Senate Bill No. 759, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 57 (MCL 169.257), as amended by 1996 PA 590, and by adding sections 58 and 59.

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

Thaddeus McCotter
 Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema
 Nays: Senators Byrum and Miller
 The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Government Operations reported
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.

With the recommendation that the bill pass.

Thaddeus McCotter
 Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom and Sikkema
 Nays: Senators Byrum and Miller
 The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Tuesday, November 6, 2001, at 4:00 p.m., Rooms 402 and 403, Capitol Building
 Present: Senators McCotter (C), Hammerstrom, Sikkema, Byrum and Miller

The Committee on Health Policy reported
House Bill No. 4647, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2000 PA 11, and by adding section 16338 and part 186.

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.

Dale L. Shugars
 Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Emerson

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2882 (MCL 333.2882), as amended by 1997 PA 54.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Emerson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5146, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20155 (MCL 333.20155), as amended by 2000 PA 171.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz and Emerson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, November 6, 2001, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Emerson

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

Senate Bill No. 534, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 9 (MCL 456.529), as amended by 1982 PA 132.

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.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

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

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

Senate Bill No. 535, entitled

A bill to amend 1927 PA 10, entitled "An act to authorize cemetery corporations to sell or convey property rights, franchises and liabilities to a municipal corporation," by amending the title and sections 1, 2, 3, and 4 (MCL 456.181, 456.182, 456.183, and 456.184).

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

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

Senate Bill No. 543, entitled

A bill to amend 1915 PA 312, entitled "Garage keeper's lien act," by amending sections 2, 3, 4, 5, and 6 (MCL 570.302, 570.303, 570.304, 570.305, and 570.306), sections 2 and 3 as amended and sections 4, 5, and 6 as added by 1998 PA 236, and by adding section 10.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, November 6, 2001, at 1:08 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter, Steil, Leland and Peters

The Committee on Transportation and Tourism reported

House Bill No. 4552, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 1999 PA 73.

With the recommendation that the bill be referred to the Committee on Judiciary.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

The bill was referred to the Committee on Judiciary.

The Committee on Transportation and Tourism reported

Senate Bill No. 541, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 51, 83, 86, 87, 89, 133, 151, and 205 (MCL 259.2, 259.3, 259.4, 259.5, 259.6, 259.7, 259.8, 259.9, 259.51, 259.83, 259.86, 259.87, 259.89, 259.133, 259.151, and 259.205), sections 2, 3, 4, 5, 6, 7, 8, 51, 83, 86, and 133 as amended by 1996 PA 370, sections 9 and 151 as amended by 2000 PA 382, and section 89 as amended by 1998 PA 81, and by adding sections 80g, 80h, 83a, 83b, 87a, 89a, 205a, and 205b; 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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

Senate Bill No. 615, entitled

A bill to name a certain portion of highway US-127 the "Gary Priess Memorial Highway"; and to prescribe certain duties of the state transportation department.

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

Senate Bill No. 685, entitled

A bill to name a certain portion of highway I-94 the "94th Combat Infantry Division Memorial Highway"; and to prescribe certain duties of the state transportation department.

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

Senate Bill No. 705, entitled

A bill to name a certain portion of highway US-10 the "Veterans Memorial Highway"; and to prescribe certain duties of the state transportation department..

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

Senate Bill No. 811, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 2001 PA 47.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

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.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

Senate Bill No. 813, entitled

A bill to amend 1925 PA 17, entitled "An act to provide for the construction, improvement and maintenance of trunk line highways," by amending section 2 (MCL 250.62), as amended by 1987 PA 188.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

Senate Resolution No. 124.

A resolution to memorialize the Congress of the United States to include accelerated highway investments in any short-term economic stimulus package that is passed.

(For text of resolution, see Senate Journal No. 74, p. 1876.)

With the recommendation that the resolution be adopted.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Leland

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Tuesday, November 6, 2001, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), Steil, North and Leland

Excused: Senator Hart

The Committee on Appropriations reported

Senate Concurrent Resolution No. 44.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Natural Resources State Fish Hatchery Renovations Oden Project.

(For text of resolution, see Senate Journal No.78, p. 1967.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 45.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Grand Rapids Community College relative to the Grand Rapids Community College Main Building Renovation.

(For text of resolution, see Senate Journal No.78, p. 1968.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Wednesday, November 7, 2001, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Murphy, DeBeaussaert and Dingell

Excused: Senator Young

The Committee on Farming, Agribusiness and Food Systems reported

Senate Bill No. 692, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36105, 36106, 36109, 36111, and 36206 (MCL 324.36105, 324.36106, 324.36109, 324.36111, and 324.36206), sections 36105 and 36106 as amended by 1996 PA 233, section 36109 as amended by 2000 PA 421, and section 36111 as amended and section 36206 as added by 2000 PA 262.

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 and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Farming, Agribusiness and Food Systems reported

House Bill No. 5013, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 82.

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 and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:
 Meeting held on Wednesday, November 7, 2001, at 1:00 p.m., Room 405, Capitol Building
 Present: Senators McManus (C), Stille, Gougeon and Byrum
 Excused: Senator Hart

The Committee on Local, Urban and State Affairs reported

House Bill No. 5181, entitled

A bill to authorize the state administrative board to convey certain property in Grand Traverse county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

With the recommendation that the bill pass.

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

Thaddeus McCotter
 Chairperson

To Report Out:

Yeas: Senators McCotter, Van Regenmorter, Miller and DeBeaussaert

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:
 Meeting held on Wednesday, November 7, 2001, at 3:00 p.m., Room 405, Capitol Building
 Present: Senators McCotter (C), Shugars, Van Regenmorter, Miller and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:
 Joint meeting held on Tuesday, November 6, 2001, at 2:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators Gast (C), Schwarz, McManus, Hoffman, Steil, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Scheduled Meetings

Great Lakes Conservation Task Force - 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 5:31 p.m.

Pursuant to House Concurrent Resolution No. 47, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, November 27, at 10:00 a.m.

CAROL MOREY VIVENTI
 Secretary of the Senate.