

No. 90
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, December 13, 2001.

10:00 a.m.

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

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

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

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

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

Senator George Z. Hart of the 6th District offered the following invocation:

Our Father, who art in heaven, we give You praise and thanks for giving us this opportunity to come together in a true spirit of friendship, as well as camaraderie. As we pray today, let us all be mindful of our friend and colleague, Senator Mat Dunaskiss. We pray for a speedy recovery. We ask this in Your name. Amen.

Motions and Communications

Senators Garcia, McCotter, Bennett, Johnson and Bullard entered the Senate Chamber.

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

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

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

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

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:07 a.m.

10:19 a.m.

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

During the recess, Senator Goschka introduced to the Senate the Chesaning High School Football Team, Michigan High School Athletic Association Division 4 State Champions; Head Coach Jim Szappan; Chesaning High School Varsity Cheerleaders, 2001 Class B State Champions; and Coach Lisa Maikey.

Head Coach Jim Szappan responded briefly.

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

The motion prevailed.

Senator Koivisto's statement is as follows:

I previously introduced the Carney-Nadeau Girls Class D Basketball Champions, and when I did that, they were not in the chamber, but they are here now up in the Gallery. I'd like you to welcome them. There would have been another presentation, and we did request that. However, because we had the one major presentation today, we were not able to do two today. I explained that to the girls, so they know the scenario. It certainly doesn't diminish their state Class D championship and the tradition they have developed at Carney-Nadeau for all these years. So would you join me in welcoming them; they're in the Gallery up here.

Senator Young's statement is as follows:

I, too, enjoy having the opportunity to be surrounded by champions, and I offer to this chamber another group of champions who have moved on from that part to the ambassador part. I would like to introduce to this chamber the Detroit Senior Ambassador Program of the Institute of Gerontology at Wayne State University and the Detroit Area Agency on Aging. We have with us today: Gladys Alexander, Marilyn Lawson, Robert Cooper, Dorothy Stone-Mont, Gene Pisha, Allena Robinson, Magi Mooney, Flossie Thomas, Calvin Stewart, Michelle Proctor, Dr. Jenny Mendez, and a constituent of the 1st District of which I represent, Shirley Dudley. I would appreciate it if the chamber would welcome them to the Capitol today.

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

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.

Substitute (H-1).

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

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

Roll Call No. 566

Yeas—34

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

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—1

Scott

In The Chair: President

Senator Emerson moved that Senator Scott be temporarily excused from today’s session.
The motion prevailed.

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

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.

Substitute (H-1).

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

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

Roll Call No. 567**Yeas—33**

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

Nays—0**Excused—4**

Dunaskiss	Hoffman	Scott	Vaughn
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Not Voting—1

Koivisto

In The Chair: President

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

The Senate agreed to the title as amended.

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

Senator Scott entered the Senate Chamber.

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.

(For text of amendment, see Senate Journal No. 88, p. 2252).

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

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

Roll Call No. 568**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

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.

(For text of amendment, see Senate Journal No. 88, p. 2252).

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

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

Roll Call No. 569

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

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.

Substitute (H-1).

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

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

Roll Call No. 570**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

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

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 XHIA (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.

(For text of amendments, see Senate Journal No. 88, p. 2252).

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

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

Roll Call No. 571**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

The motion prevailed.

Senator Van Regenmorter's statement is as follows:

I want to mention this is the last bill in this particular part of the package. More bills will be coming before us a little bit later today for concurrence. These are bills that went through the Judiciary Committee and the bills that also went through the committee chaired by Senator Hammerstrom. I want to thank her for her fine work.

Mr. President, I want to thank you. In your position as Lieutenant Governor, you convened the task force that produced these bills that recognize how serious, how violent, how sad, and how pervasive the effects of domestic violence really is.

This package of bills will go a long way towards giving the authorities the kind of policies they need and the resources they need to address what you correctly identified as one of Michigan's most serious problems, and that's domestic violence. I want to applaud you for putting together the task force that produced this important legislation.

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

Senate Bill No. 478

Senate Bill No. 479

Senate Bill No. 721

Senate Bill No. 722

Senate Bill No. 725

Senate Bill No. 758

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

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 House of Representatives has passed the bill and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Senate Bill No. 478, 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 the title and sections 1, 1a, 2, 3, and 3a (MCL 28.241, 28.241a, 28.242, 28.243, and 28.243a), the title and sections 1 and 2 as amended by 1988 PA 40, section 1a as amended by 1996 PA 259, section 3 as amended by 1999 PA 266, and section 3a as amended by 1986 PA 231, and by adding section 8.

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

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

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

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

Roll Call No. 572**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

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

Senate Bill No. 479, 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 House of Representatives has amended the bill as follows:

1. Amend page 1, line 3, after "disposition" by inserting "of an original charge against a person".
2. Amend page 2, line 1, after "court" by inserting "entering the disposition".
3. Amend page 3, line 1, after "in" by striking out "subsection (5)" and inserting "SUBSECTIONS (4) AND (6)".
4. Amend page 3, following line 18, by inserting:

"(4) UNLESS ORDERED BY THE COURT, THE CLERK OF A COURT IS NOT REQUIRED TO REPORT A CONVICTION OF A MISDEMEANOR OFFENSE FOR A VIOLATION OF SECTION 904(3)(A) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.904, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 904(3)(A) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.904." and renumbering the remaining subsections.

5. Amend page 4, following line 17, by inserting:

“Enacting section 2. This amendatory act takes effect April 1, 2002.”.

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 573

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

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

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

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

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

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

Roll Call No. 574

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	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 not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The House of Representatives has passed the bill as substituted (H-2) and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 575

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	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 not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 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 House of Representatives has amended the bill as follows:

1. Amend page 1, line 2, after “MATTER” by striking out “INVOLVING” and inserting a comma and “IF THE MOTION INVOLVES”.

2. Amend page 1, line 4, after “VIOLENCE” by striking out the balance of the subsection and inserting a period.

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 576**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	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 not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 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 House of Representatives has amended the bill as follows:

1. Amend page 2, line 17, after "prison," by striking out the balance of the line through "court," on line 18.
2. Amend page 2, line 20, after "ORDER" by inserting "OR PROBATION ORDER".
3. Amend page 5, line 22, by striking out the balance of the enacting section and inserting:
 - “(a) Senate Bill No. 729.
 - (b) Senate Bill No. 753.
 - (c) Senate Bill No. 754.
 - (d) Senate Bill No. 757.
 - (e) House Bill No. 5275.
 - (f) House Bill No. 5299.
 - (g) House Bill No. 5300.
 - (h) House Bill No. 5303.
 - (i) House Bill No. 5304.”.

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title. The question being on concurring in the amendments made to the bill by the House, The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 577

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	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 not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The President, Lieutenant Governor Posthumus, resumed the Chair.

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. 4855
House Bill No. 5280

House Bill No. 5271
House Bill No. 5273
House Bill No. 5275
House Bill No. 5276
House Bill No. 5278
House Bill No. 5281
House Bill No. 5299
House Bill No. 5300
House Bill No. 5303
House Bill No. 5304
Senate Bill No. 543
House Bill No. 5038
House Bill No. 5252
House Bill No. 5267
 The motion prevailed.

The following bill was read a third time:

House Bill No. 4855, 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. 578

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5280, 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 400.1510) by amending the title and 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. 579

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5271, 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. 580

Yeas—35

Bennett	Garcia	McCotter	Scott
Bullard	Gast	McManus	Shugars
Byrum	Goschka	Miller	Sikkema

Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

Murphy
North
Peters
Sanborn
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5273, 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. 581

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5275, entitled

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

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. 582

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5276, 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. 583

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5278, 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. 584

Yeas—35

Bennett	Garcia	McCotter	Scott
Bullard	Gast	McManus	Shugars
Byrum	Goschka	Miller	Sikkema

Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

Murphy
North
Peters
Sanborn
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5281, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 2000 PA 462.

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. 585

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5299, 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. 586

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5300, 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. 587

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5303, 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. 588

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5304, 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. 589

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 590**Yeas—35**

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5038, entitled

A bill to amend 1959 PA 168, entitled “An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies,” by amending sections 1, 6, 7, 8, 9, and 10 (MCL 125.321, 125.326, 125.327, 125.328, 125.329, and 125.330), section 6 as amended by 1987 PA 73 and section 9 as amended by 1999 PA 197, and by adding sections 7a and 7b.

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. 591**Yeas—35**

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

Johnson

Sanborn

Van Regenmorter

Emerson

Koivisto

Schuette

Young

Emmons

Leland

Schwarz

Nays—0**Excused—3**

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5252, entitled

A bill to amend 1945 PA 282, entitled “An act to provide for county planning; the creation, organization, powers and duties of county planning commissions,” by amending sections 4 and 5 (MCL 125.104 and 125.105) and by adding sections 4b, 4c, and 15.

The question being on the passage of the bill,

Senators Sikkema and Cherry offered the following amendment:

1. Amend page 2, line 27, after “WOODLOTS,” by striking out “WETLANDS,”.

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

The question being on the passage of the bill,

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

Roll Call No. 592

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5267, entitled

A bill to amend 1931 PA 285, entitled “An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act,” by amending sections 1, 6, and 8 (MCL 125.31, 125.36, and 125.38), section 1 as amended by 1997 PA 18 and section 8 as amended by 1999 PA 14, and by adding sections 7a, 7b, 8a, and 8b.

The question being on the passage of the bill,

Senators Sikkema and Cherry offered the following amendment:

1. Amend page 5, line 14, after “WOODLOTS,” by striking out the balance of the line through “LANDS,” on line 15.

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

The question being on the passage of the bill,

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

Roll Call No. 593**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

The following bill was announced:

House Bill No. 4042, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending the title and sections 1, 1a, 2, 3, 4, 5, 6, and 7 (MCL 445.111, 445.111a, 445.112, 445.113, 445.114, 445.115, 445.116, and 445.117), section 1 as amended by 1999 PA 18 and sections 2 and 3 as amended by 2000 PA 15.

(This bill was read a third time on December 12, and amendments adopted and reconsidered. See Senate Journal No. 89, p. 2296.)

The question being on the adoption of the amendment offered by Senator Dunaskiss,
Senator Emmons moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emerson moved that the Committee on Human Resources and Labor be discharged from further consideration of the following bill:

Senate Bill No. 923, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 1995 PA 181.

The question being on the motion to discharge,

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 11:45 a.m.

1:15 p.m.

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

Recess

Senator Emmons moved that the Senate recess until 2:30 p.m.
The motion prevailed, the time being 1:16 p.m.

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 2:31 p.m.

2:50 p.m.

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

The question being on the motion to discharge the Committee on Human Resources and Labor from further consideration of the bill,

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

Roll Call No. 594

Yeas—16

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

Nays—19

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

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: Schwarz

Protests

Senators Steil and North, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to discharge the Committee on Human Resources and Labor from further consideration of Senate Bill No. 923.

Senator Steil moved that the statement he made during the discussion of the motion be printed as his reasons for voting “no.”

The motion prevailed.

Senator Steil’s statement, in which Senator North concurred, is as follows:

It’s amazing, but I think the next bill that is going to be given a number is going to be Senate Bill No. 927. So this bill has only been around a week at the most. It’s in my committee. I certainly will review it when we come back, but according to the Michigan Constitution, it has to have a five-day layover, even if we passed it out of here on a discharge. This is disingenuous by my colleagues on the other side of the aisle. It can’t be done. We need time to review it like we do with most legislation, and I think this is just a big play.

Senator North’s statement is as follows:

I also sit on that committee, and I would be willing to take a look at this issue after the first of the year.

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

The motion prevailed.

Senator Smith’s first statement is as follow:

The Senate is meeting in its last day of session, and the bill that we are asking to be discharged is a bill that deals with the increase or the lifting of the cap on the unemployment insurance compensation. Since this is the last day of session, this is the last opportunity we have to make it possible for that cap to be lifted and for the 280,000 Michigan citizens who have been laid off to have a chance to see an increase in their benefits.

The Senate will not return until the 17th or 18th of January and will not begin effective action until later than that date, leaving families in the state of Michigan uncovered by an additional benefit. We currently have people in the state who are unemployed receiving compensation at 88 percent of poverty. Layoffs are affecting citizens from all across the state from the Kalamazoo paper mills, the Grand Rapids furniture plants, and the automobile dealer plants throughout the state.

Prior to 1995, workers received 58 percent of the average weekly wage in the state of Michigan. Since that time, wages have increased dramatically in the state of Michigan. Now we are seeing people laid off who were making \$2,000.00 a week, and their compensation is \$300.00 a week. To ask families to make house payments, car payments, food—the essentials of life, food, medicine—on \$300.00 a week is unconscionable.

The purpose of the discharge is to move legislation that will at least give families another \$114.00 a week in their unemployment insurance benefits. It is my hope that my colleagues will take this opportunity, this final opportunity we have to discharge this bill, and put it under consideration before the full Senate because I know all of my colleagues here in the Senate are equally concerned about the plight of the unemployed here in the state of Michigan. As I circulated the bill, I am asking for discharge for it. We had signers from both sides of the aisle, and we had people who didn’t want to sign but indicated that they would be supportive of the legislation should it come the floor because they understand the hardship under which Michigan unemployed are laboring. I hope people will support the discharge. I would appreciate seeing this bill before the Senate and having an opportunity to have the bill sent to the House.

Senator Smith’s second statement is as follows:

You know, I’ve been here in this chamber for seven years. I’ve seen bills that were introduced, and the very next morning they were on the session floor, passed General Orders and Third Reading, and on their way to the House. I think the Democrats are willing to stay for a week and wait for the House for that five-day layover so that we can get this done. I don’t think there’s anything at all disingenuous about our effort. The only people who won’t be working next week will be the Michigan Legislature and the unemployed. I think we need to do something to make sure that the unemployed who are not earning money have minimum resources to back their financial and their family obligations.

Senator Cherry’s statement is as follows:

Of course, the issue as it is before us is should we discharge and why now and why not let the bill wait to run its normal course? What’s important here and so important is that we need to discharge this bill and circumvent the legislative process. Mr. President, to that point I would point to a couple things.

First of all, a *Detroit Free Press* editorial from yesterday underscores, I think, the importance in why we need to discharge this bill today. The point that the *Free Press* article makes is that as layoffs grow, Michiganders have to face

up to the fact that unemployment benefits here are the lowest in the Midwest, and ultimately, when you consider what accompanies a layoff—family financial difficulties in the midst of Christmas, the need to keep food on the table and shelter and clothing for one’s family, you know, the additional \$100 or \$50 means a lot.

Time is of the essence for people who are finding themselves in these financial straits. That is ultimately why the bill needs to be discharged so that we can begin to immediately address the needs that these people are feeling. Mr. President, along with this *Detroit Free Press* editorial is a news article from today.

The *Associated Press* this afternoon announces or basically reports that General Motors announced today 4,050 workers will be laid off next week due to soft market conditions and a transition in production of one truck line to another plant. So what we’re finding is a significant numbers of layoffs now beginning as the Christmas season is upon us.

It would seem to me, Mr. President, in light of these economic concerns, in the light of that, a layoff is a financial disaster for many families—in light of that—it behooves the Senate to act expeditiously to raise this level of unemployment compensation benefits that has been set so low for so long that we now find ourselves having the lowest benefit in the Midwest. That is, Mr. President, one thing that when you compare it to the fact that our fund stands at an enormous, ungodly surplus, that’s sitting there while families will be trying very desperately to make ends meet.

It would be a travesty, Mr. President, if this Senate did not discharge this bill today, and provide immediate relief for Michigan families. And, on that basis, Mr. President, I would urge a “yes” vote on the question of discharge.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4154

House Bill No. 4250

House Bill No. 4631

House Bill No. 4632

House Bill No. 4647

The motion prevailed.

The following bill was read a third time:

House Bill No. 5317, entitled

A bill to amend 2000 PA 161, entitled “Michigan education savings program act,” by amending sections 2, 3, 7, 8, 9, and 10 (MCL 390.1472, 390.1473, 390.1477, 390.1478, 390.1479, and 390.1480).

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. 595

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss

Hoffman

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 create the Michigan education savings program; to provide for education savings accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax credits or deductions; and to provide for penalties and remedies;”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 451, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2006 (MCL 500.2006).

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. 596**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	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. 452, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending section 403 (MCL 550.1403).

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. 597**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Emmons moved that consideration of the following bill be postponed temporarily:

House Bill No. 5357

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 76, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 1994 PA 138.

(For text of amendments, see Senate Journal No. 89, p. 2280.)

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

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

Roll Call No. 598**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss

Hoffman

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 not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 764

Senate Bill No. 765

Senate Bill No. 786

Senate Bill No. 825

Senate Bill No. 109

Senate Bill No. 674

Senate Bill No. 677

Senate Bill No. 808

House Bill No. 5189

The motion prevailed.

Senate Bill No. 764, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 508, 803, and 8134 (MCL 600.508, 600.803, and 600.8134), section 803 as amended by 1998 PA 55 and section 8134 as amended by 1987 PA 75.

(For text of amendments, see Senate Journal No. 89, p. 2280.)

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

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

Roll Call No. 599

Yeas—22

Bennett
Bullard
Byrum
Cherry
DeGrow
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Johnson

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—13

DeBeaussaert
Dingell
Emerson
Hart

Koivisto
Leland
McCotter

Miller
Murphy
Peters

Scott
Smith
Young

Excused—3

Dunaskiss

Hoffman

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 not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 765, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 504 (MCL 600.504), as amended by 1996 PA 388.

(For text of amendments, see Senate Journal No. 89, p. 2281.)

The question being on concurring in the amendments made to the bill by the House, The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 600**Yeas—20**

Bennett
Bullard
DeGrow
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Johnson

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—15

Byrum
Cherry
DeBeaussiaert
Dingell

Emerson
Hart
Koivisto
Leland

McCotter
Miller
Murphy
Peters

Scott
Smith
Young

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 786, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 2000 PA 449.

(For text of amendment, see Senate Journal No. 89, p. 2281.)

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

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

Roll Call No. 601**Yeas—20**

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

Nays—15

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

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the full title.

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

Senate Bill No. 825, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 518 and 521 (MCL 600.518 and 500.521), section 518 as amended by 1988 PA 134 and section 521 as amended by 1990 PA 54.

(For text of amendments, see Senate Journal No. 89, p. 2281.)

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

Senator Van Regenmorter offered the following amendment to the amendments:

1. Amend House Amendment No. 1, page 1, following line 8, section 522, after "judge." by striking out the balance of the amendment.

The amendment to the amendments was adopted.

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

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

Roll Call No. 602**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	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 not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Emmons' statement is as follows:

I have to thank Senator Van Regenmorter for all his patience. We do indeed disagree. I would like, for the record, to tell you why we've got a problem. Isabella County has spent untold time and judges' efforts to set up a unified court. Had they not set up a unified court, they'd be dead in the water right now and would need two extra judges. When they made up the list this time, they excluded everything in district court, which then dropped it back down. However, the pressure on that court is going to increase, and they do and will need a judge.

My dilemma is that Isabella County has been a good guy and gone to the unified court, which serves people and which acts more efficiently. Now, as the pressure for more judges is coming, they are not going to get one.

For example, the way it works in Isabella County is if indeed you have a problem and you need a judge, you simply go and get one of the judges who is not busy, and they preside over that court, regardless if it's in their probate, circuit, or district. They have been very innovative, and I'm very sorry that we are not able to keep this.

There's an old saying: "There are lies, damn lies, and statistics." I think we've used statistics to do what we want to do. I strongly suggest that at another time that those courts that have unified courts be evaluated separately and dealt with separately. They have needs across the system that includes the district court, and that is not being recognized in the statistics that are in the system now.

I am disappointed, but I hope that at another time that this whole fight will have not gone for vain; that those people who are doing what every court in the state of Michigan should do to serve their constituency better; to have all their judges working, instead of some of them working desperately hard and some not working so hard; and that we encourage and help these courts that actually have gone to the work, and incidently, put in the infrastructure to make it possible.

Senate Bill No. 109, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when

engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” (MCL 691.1401 to 691.1415) by adding section 16.

Substitute (H-5).

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

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

Roll Call No. 603

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	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.

The Senate agreed to the title as amended.

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

Senate Bill No. 674, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 221.

Substitute (H-1).

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

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

Roll Call No. 604

Yeas—21

Bennett	Goschka	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Hammerstrom	Sanborn	Steil

Emmons
Garcia
Gast

Johnson
McCotter

Schuetz
Schwarz

Stille
Van Regenmorter

Nays—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Excused—3

Dunaskiss

Hoffman

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 not concurred in, 2/3 of the members serving not voting therefor.
Senator Emmons requested the yeas and nays.

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

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

Roll Call No. 605

Yeas—22

Bennett
Bullard
DeGrow
Emmons
Garcia
Gast

Goschka
Gougeon
Hammerstrom
Johnson
Koivisto
McCotter

McManus
North
Sanborn
Schuetz
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—13

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the full title.

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

Protest

Senator Peters, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 674 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement is as follows:

I would like to urge a “no” vote on this bill primarily because this bill is an anti-consumer law which extends some extraordinary protections to insurance companies when they conduct an audit of their business. Certainly, a regular review of company business practices is a good procedure. Many companies do it. In fact, most all companies are engaged in audits of their business, but they do not get the extraordinary protection that is being offered under this bill that will really make it really very difficult for anyone to take a look at that audit. There is no compelling case—the insurance industry has not made a compelling case as to why they need this extraordinary protection. And, in fact, if this bill passes, I believe we are going to see a chilling of consumer protection cases because every prosecution of a company with an audit will in essence require a mini-trial on the issue, which is going to increase the cost of litigation substantially.

I think it is important to note that less than a handful of states have adopted similar legislation, and attempts to adopt this very type of legislation in 17 other states have failed in the 1999-2000 legislative sessions. The Michigan Attorney General is opposing this bill, and the insurance commissioner is not supporting this bill. Currently, the National Association of Insurance Commissioners is processing a model piece of legislation to deal with this issue, and I think it is prudent for us to wait and take a look at that model that is being developed on a nationwide basis. I would urge a “no” vote.

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.

Substitute (H-1).

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

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

Roll Call No. 606**Yeas—26**

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

Nays—9

DeBeaussaert	Murphy	Shugars	Steil
Leland	Scott	Smith	Young
Miller			

Roll Call No. 608**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	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. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Emmons moved that consideration of the following bill be postponed temporarily:

House Bill No. 5189

The motion prevailed.

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

Senate Bill No. 105**Senate Bill No. 502****Senate Bill No. 516****Senate Bill No. 527****Senate Bill No. 781****House Bill No. 4820****House Bill No. 4829****Senate Bill No. 257**

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

Senate Bill No. 105, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 353f.

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

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

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

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

Roll Call No. 609**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	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. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 106, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5303 (MCL 324.5303).

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

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

Senate Bill No. 490, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 35 (MCL 208.35), as amended by 2000 PA 429.

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

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

Senate Bill No. 502, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” (MCL 259.1 to 259.208) by adding section 80f.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 26, by striking out “January” and inserting “April”.

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 610

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	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.

The Senate agreed to the full title.

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

Senate Bill No. 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 House of Representatives has amended the bill as follows:

1. Amend page 2, line 3, after “ON” by inserting “LOW-GRADE”.

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

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

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

Roll Call No. 611

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	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. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 527, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 205 (MCL 436.1205), as amended by 1998 PA 416, and by adding section 206.

The House of Representatives has amended the bill as follows:

1. Amend page 8, line 24, after “COMMISSION.” by inserting “THE COMMISSION MAY, THROUGH ISSUANCE OF AN ORDER, ALLOW BANNER ADVERTISING IN CONJUNCTION WITH THE ON-LINE ORDERING SYSTEM AS A MEANS OF DEFRAYING THE COSTS OF OPERATION OR MAINTENANCE, OR BOTH, OF THE SYSTEM.”

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

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

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

Roll Call No. 612

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 666, entitled

A bill to amend 1995 PA 274, entitled “An act to amend section 834 of Act No. 218 of the Public Acts of 1956, entitled as amended “The insurance code of 1956,” as amended by Act No. 443 of the Public Acts of 1994, being section 500.834 of the Michigan Compiled Laws;” by repealing enacting section 2.

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

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

Senate Bill No. 781, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 5656, 5657, 5658, 5659, and 5660 (MCL 333.5656, 333.5657, 333.5658, 333.5659, and 333.5660), as added by 1996 PA 594.

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

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

The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 613**Yeas—35**

Bennett
 Bullard
 Byrum
 Cherry
 DeBeaussiaert
 DeGrow
 Dingell
 Emerson
 Emmons

Garcia
 Gast
 Goschka
 Gougeon
 Hammerstrom
 Hart
 Johnson
 Koivisto
 Leland

McCotter
 McManus
 Miller
 Murphy
 North
 Peters
 Sanborn
 Schuette
 Schwarz

Scott
 Shugars
 Sikkema
 Smith
 Steil
 Stille
 Van Regenmorter
 Young

Nays—0**Excused—3**

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

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

House Bill No. 4820, entitled

A bill to regulate the production, transportation, handling, processing, delivery, and sale of grade A milk and milk products; to define grade A milk and milk products and to establish standards and requirements for grade A milk and milk products; to provide for dairy food safety; to provide for the sampling, sampling analysis, and transportation of milk and milk products; to regulate the labeling, manufacture, distribution, and sale of milk and milk products for the protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of milk and milk products; to provide for enforcement; to provide for licenses and permits and revocation of licenses and permits; to impose certain fees; to require certain security arrangements of milk plants to ensure the prompt payment of producers; to prescribe powers and duties of certain state departments and officers; to provide for uniform standards and uniform inspection; to provide for promulgation of rules; to provide for certain remedies and penalties; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 14, line 19, after "farm," by inserting "dairy plant,".
2. Amend page 53, line 9, after "Sec. 68." by striking out all of subsection (1) and inserting "(1) Only pasteurized milk and milk products shall be offered for sale or sold, directly or indirectly, to the final consumer or to restaurants, grocery stores, or similar establishments.".

The House of Representatives has concurred in the Senate substitute (S-2) as amended.

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

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

Roll Call No. 614**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: Schwarz

House Bill No. 4829, entitled

A bill to define and regulate milk, cream, frozen desserts, and related foods and by-products of those foods under certain circumstances; to prescribe certain powers and duties of certain state agencies and officers; to prohibit the sale of unclean and unsanitary milk and manufactured dairy products and their use in the manufacture of food products; to prohibit unclean and unsanitary conditions of milk and milk processing establishments; to establish production and handling standards of sanitary milk and dairy products for manufacturing and manufactured dairy products; to regulate the sale and transportation of milk and dairy products for manufacturing purposes; to issue licenses and permits to certain persons and provide for the revocation or suspension of licenses and permits under certain circumstances; to impose certain fees; to require certain security devices under certain circumstances; to establish inspection requirements; to promulgate rules; to set certain standards for milk and dairy products, processing, and pasteurization; to provide for penalties and remedies; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 76, line 20, by striking out all of section 136 and inserting:

“Sec. 136. Only pasteurized milk and dairy products shall be offered for sale or sold, directly or indirectly, to the final consumer or to restaurants, grocery stores, or similar establishments except as specified in section 138.”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

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

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

Roll Call No. 615

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senate Bill No. 257, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 36 to chapter IX.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 6, after “602A(5),” by striking out “617,” and inserting “617(3),”.

2. Amend page 2, line 25, after “effect” by striking out the balance of the enacting section and inserting “March 1, 2002.”.

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

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

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

Roll Call No. 616**Yeas—35**

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0**Excused—3**

Dunaskiss	Hoffman	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. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 775, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 19 (MCL 208.19), as added by 1999 PA 115.

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

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

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 817

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

Senate Bill No. 817, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d, 57e, 57f, and 57g (MCL 400.57d, 400.57e, 400.57f, and 400.57g), as added by 1995 PA 223, and by adding section 14h.

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

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

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children,

the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending sections 57d, 57e, 57f, and 57g (MCL 400.57d, 400.57e, 400.57f, and 400.57g), as added by 1995 PA 223, and by adding sections 14h and 14i.

The question being on concurring in the substitute made to the bill by the House,
 Senator Johnson moved that further consideration of the bill be postponed temporarily.
 The motion prevailed.

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

The following messages from the Governor were received and read:

December 12, 2001

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

Grape and Wine Industry Council

Mr. Joseph B. Herman, 6670 North Branch Road, Benton Harbor, Michigan 49022, county of Berrien, as a member representing grape growers, succeeding Mr. Chris E. Oxley of Lawton, whose term has expired, for a term expiring on October 9, 2003.

Mr. Sean O'Keefe, 12301 Center Road, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing wine makers, succeeding himself, for a term expiring on October 9, 2003.

Dr. Roberta G. Kurtz, 13505 S. High Point Drive, Traverse City, Michigan 49684, county of Grand Traverse, as a member representing wine makers, succeeding Mr. James H. VanDerKolk of Fennville, whose term has expired, for a term expiring on October 9, 2003.

Mr. Louis V. Gostinger, 4470 Gratiot Avenue, Port Huron, Michigan 48060, county of St. Clair, as a member representing wine wholesalers, succeeding Mr. Kim L. Gary of Grand Rapids, whose term has expired, for a term expiring on October 9, 2003.

Ms. Rosalind Srb Mayberry, 200 S. Second Street, Grand Haven, Michigan 49417, county of Ottawa, as a member representing wine retailers, succeeding Mr. John G. Jonna of Dearborn, whose term has expired, for a term expiring on October 9, 2003.

December 12, 2001

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

Michigan Board of Osteopathic Medicine and Surgery

Dr. Edward Benson, 214 Cloverland Drive, Lansing, Michigan 48910, county of Ingham, as a member representing the general public, succeeding Mr. Michael K. Helmer of Bloomfield Hills, whose term has expired, for a term expiring on December 31, 2005.

Dr. Frank D. Winters, 3714 Wabeek Lake Drive W., Bloomfield Hills, Michigan 48302, county of Oakland, as a member representing osteopathic physicians, succeeding Dr. Tammy Lynn Geurkink-Born of Caledonia, whose term has expired, for a term expiring on December 31, 2005.

Sincerely,
 John Engler
 Governor

The appointments were referred to the Committee on Government Operations.

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.

Senate Concurrent Resolution No. 47

A concurrent resolution to memorialize the President to adopt and the Congress to support recommendations by the International Trade Commission to remedy the injury to the United States steel industry caused by unfair trade practices.

The question being on the adoption of the concurrent resolution,

Senator Gougeon offered the following substitute:

A concurrent resolution to memorialize the President to adopt and the Congress to support recommendations by the International Trade Commission to remedy the injury to the United States steel industry caused by unfair trade practices.

Whereas, The state of Michigan possesses vast iron ore reserves in its Upper Peninsula, which are mined to supply the domestic integrated steel industry with its raw material requirements. Michigan is also the home of several integrated steel manufacturers, which produce high quality steel products for the most sophisticated applications; and

Whereas, The iron ore and steel manufacturing industries have provided several thousand good paying jobs for Michigan residents for many years, have supported a strong supply base, and have contributed substantially to the economic vitality of Michigan and the Great Lakes region; and

Whereas, The domestic steel industry has invested over \$50 billion over the past twenty years to improve productivity and quality, to enhance environmental performance, and to make it among the most competitive steel manufacturing industries in the world; and

Whereas, The quotas on steel shipments from some countries earlier ordered by the International Trade Commission were not effective in preventing unfair trade practices because of widespread circumvention; and

Whereas, These unfair trade practices result in steel being sold in the United States cheaper than the cost of production in the countries of origin, have been found by the International Trade Commission to have caused injury, and have the effect of exporting the unemployment of those countries of origin to the United States; and

Whereas, Twenty-five United States steel companies have filed for bankruptcy protection since 1998 in part due to the surging levels of low-priced steel imports, thereby causing plant closings, employee layoffs, and economic hardship for families and communities across the country; and

Whereas, History proves that a healthy and financially secure integrated steel industry is critically important to the economic security and national defense of the United States; and

Whereas, President Bush, in June 2001, directed the United States International Trade Commission to undertake a broad Section 201 trade case to investigate and determine if the domestic steel industry, including iron ore mining, has been injured by the effects of imported steel products into the United States; and

Whereas, The International Trade Commission determined on October 22, 2001, by a unanimous vote that a substantial portion of the domestic industry has been injured by the effects of such imports; and

Whereas, The commission voted on December 7, 2001, for tariffs, quotas, and tariff-rate quotas, which will form the basis for its formal recommendation to President Bush on December 19, 2001; and

Whereas, The preliminary recommendations announced by the International Trade Commission on December 7, 2001, were wholly inadequate for a variety of reasons, including the facts that the countries of origin have announced that they will absorb the proposed duty, the duty will not be imposed until yearly steel slab imports reach the level they are at now, and the tariffs will be gradually removed; and

Whereas, President Bush will have up to 60 days following his receipt of the recommendation to take action on the determinations; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President to adopt and the Congress to support recommendations by the International Trade Commission to remedy the injury to the United States steel industry caused by unfair trade practices. We strongly urge the President, upon his receipt of the International Trade Commission remedy recommendations, to implement immediately a 50 percent tariff on all imported steel products causing injury to United States producers, including steel slabs, for a period of four years; and be it further

Resolved, That we urge, at the absolute very least, that the President adopt and the Congress support the remedies called for by International Trade Commissioners Bragg and Devaney regarding carbon and alloy flat products, including steel slabs, in the International Trade Commission's December 7, 2001, recommendation report; and be it further

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

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

Senators DeGrow, Van Regenmorter, Bullard, Shugars, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille offered the following resolution:

Senate Resolution No. 149.

A resolution to memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings.

Whereas, The events of September 11, 2001, have shattered the illusion that past practices are adequate when it comes to security issues. One of the most important elements of security for our state is the need for stronger and more thorough measures at Michigan's international points of entry. While some people have long called for increased resources at border crossings, there is little disputing the significance of this now; and

Whereas, Because of its unique and mutually beneficial relationship with Ontario, Michigan includes some of the busiest crossing points along the entire United States-Canada border. In addition to the number of people who cross the border each year, the amount of equipment and goods here far surpasses the traffic in other regions. The importance of free trade to both our countries is reflected in the volume of material that comes into Michigan each day; and

Whereas, Although there may eventually be other ways to heighten security at border crossings with new technologies and other strategies, the most effective, immediate, and practical approach to take is to increase significantly the number of customs agents working at entry points. No single step offers a greater return than putting more trained and dedicated customs agents at our international border crossings. In addition to the added measure of security from better inspections and examinations of people and goods entering the country, the increased staffing would also bring benefits by reducing delays as much as is practical; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings; and be it further

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

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

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Judiciary.

The motion prevailed.

Senator Young was named co-sponsor of the resolution.

Senators Goschka, McManus, Sikkema, Gougeon, Hammerstrom, Garcia, Sanborn, Steil, Schwarz and Stille offered the following resolution:

Senate Resolution No. 150.

A resolution to urge United States and Canadian customs officials to consider relocating customs for border crossings so that inspections take place before the border is crossed.

Whereas, The need for increased security in the wake of the terrorist attacks of September 11, 2001, and subsequent threats includes a significant need for greater efforts at our nation's international border crossings. Much of the need is focused on the crossings along the border shared by Canada and the United States, the world's longest unmilitarized border; and

Whereas, Some of the busiest border crossing points with our northern neighbor are between Michigan and Ontario. In addition to handling a large number of people, these crossings accommodate a very large volume of goods and equipment. The economies of our two nations, our states and provinces, and local units of government are dependent upon not only a secure border, but also upon the smooth passage of people and goods; and

Whereas, The wonderful relationship between the United States and Canada offers a unique opportunity to consider a new approach to customs inspections. Instead of the current practice of inspecting travelers and equipment after entering the new country and after vulnerable bridges or tunnels have been traversed, customs inspections may be more effective if the inspection takes place before the border is crossed. The security of both countries could be strengthened through the greater cooperation this would require. Such a move may prove to be an effective deterrent in some situations. This is an idea worth serious consideration as a potential safeguard for both of our nations; now, therefore, be it

Resolved by the Senate, That we urge United States and Canadian customs officials to consider relocating customs for border crossings so that inspections take place before the border is crossed; and be it further

Resolved, That copies of this resolution be transmitted to the United States Customs Service of the Department of Treasury and to the United States Department of State to forward to Canadian customs authorities.

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

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Judiciary.

The motion prevailed.

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

Senators Garcia, Bullard, Shugars, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Sanborn, Goschka, Steil, Schwarz and Stille offered the following resolution:

Senate Resolution No. 151.

A resolution to memorialize the Congress of the United States to provide a program of low-interest loans for military personnel called to active duty.

Whereas, The recent events in our country have served to remind us of the degree to which our nation relies upon the sacrifices of our men and women in the military. With the call to active duty of thousands of members of National Guard and reserve units for overseas deployment and an increasing range of domestic security assignments, it is clear that our military strength is rooted in both the professional ranks and those working in civilian life while serving as ready reserves; and

Whereas, The men and women called to active duty to help the country respond to a crisis such as we have faced since September 11, 2001, do so at great cost to their families and, often, their careers. The uncertain length of the activation in the current situation can make the return to active duty a devastating blow to the finances of a family or a small business. When the person called to duty is the primary breadwinner in a family, for example, as is often the case, the family can face many difficulties. The mortgage payments, food and utility bills, and costs of raising children do not go away when the regular paycheck is replaced by a military paycheck that is usually far less; and

Whereas, While it would be impossible to cover the entire burden facing many families, it would be helpful for the federal government to do all it can to address this issue. A low-interest loan program for those whose active duty pay is less than civilian levels can provide short-term help with the monthly bills. For families who have sent someone to fight terrorism, whether overseas or on assignments at airports or border crossings, this would be an appropriate step to take; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide a program of low-interest loans for military personnel called to active duty; and be it further

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

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

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Senior Citizens and Veterans Affairs.

The motion prevailed.

Senator Young was named co-sponsor of the resolution.

Senator Byrum offered the following resolution:

Senate Resolution No. 152.

A resolution to memorialize the Congress of the United States to take stronger steps to address funding of health care services as they relate to the nursing shortage facing the country.

Whereas, With the move to a balanced budget several years ago, federal expenditures were curtailed in certain areas. One of the places federal spending was cut was in the general area of health care through the reimbursement levels supported by certain key programs, including Medicaid and Medicare; and

Whereas, Now that a few years have passed, we are seeing the true impact of some of the reductions in expenditures. One of the more distressing results of the austerity measures in health care reimbursement payments to health care providers and institutions is a significant acceleration in the national shortage of nurses; and

Whereas, Statistics across the country indicate an alarming shortage of nurses, especially in certain specialties. The United States Labor Department is projecting a shortage of 450,000 nurses in the next several years. Some groups predict even greater shortages. The problem will be made more severe by increased demand for nursing services due to the aging of the baby boomers, growing numbers of nurses leaving the stresses of a difficult and often thankless profession, and insufficient numbers of new nurses; and

Whereas, While there are many factors behind the nursing shortage, a key component is financial. Wage levels for many nursing positions are clearly insufficient when the responsibilities and requirements are fully considered. The level of payments through government programs for health care is an enormous factor in the nation's network of health care. The federal government needs to recognize its impact on the number of nurses available to address the country's needs; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to take stronger steps to address funding of health care services as they relate to the nursing shortage facing the country; and be it further

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

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

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senator Goschka was named co-sponsor of the resolution.

Senator Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 50.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, December 13, 2001, it stands adjourned until Friday, December 21, 2001, at 11:45 a.m. for the Senate and 11:30 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Friday, December 21, 2001, it stands adjourned without day.

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

Senator Emmons moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

House Bill No. 5259

Senate Bill No. 563

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

House Bill No. 5259, entitled

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 20201 (MCL 333.20201), as amended by 1998 PA 88.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 7, line 22, by striking out "BY THE ATTENDING PHYSICIAN".

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the full title.

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

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

Roll Call No. 617

Yeas—35

Bennett
Bullard

Garcia
Gast

McCotter
McManus

Scott
Shugars

Byrum	Goschka	Miller	Sikkema
Cherry	Gougeon	Murphy	Smith
DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hart	Peters	Stille
Dingell	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: Schwarz

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.

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

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

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

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

Senate Bill No. 563, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” (MCL 247.651 to 247.675) by adding section 1i.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 12, after "COST-EFFECTIVENESS" by striking out the balance of the sentence and inserting "AND PERFORMANCE OF THE PAVEMENT MATERIALS AND DESIGN USED IN THE PROJECT AND COMPARES THE RESULTS TO THE PAVEMENT MATERIAL IDENTIFIED UNDER THE DEPARTMENT'S STANDARD PAVEMENT SELECTION PROCESS."

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

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

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

Roll Call No. 618

Yeas—35

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	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland	Schwarz	

Nays—0

Excused—3

Dunaskiss	Hoffman	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.

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

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 27

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

Senate Bill No. 27, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2000 PA 456.

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

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

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

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

Roll Call No. 619

Yeas—35

Bennett	Garcia	McCotter	Scott
Bullard	Gast	McManus	Shugars

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Hart's statement is as follows:

I wanted to take this opportunity to say happy holidays to everyone here. God bless you all.

Recess

Senator Emmons moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 4:38 p.m.

4:55 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 817, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d, 57e, 57f, and 57g (MCL 400.57d, 400.57e, 400.57f, and 400.57g), as added by 1995 PA 223, and by adding section 14h.

(This bill was returned from the House with a substitute earlier today, rules suspended and consideration postponed. See p. 2350.)

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

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

Roll Call No. 620**Yeas—20**

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

Nays—12

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

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—3

Koivisto	McCotter	Miller
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In The Chair: President

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

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

Protest

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 817 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting "no."

The motion prevailed.

Senator Scott's statement is as follows:

I commend the various groups and parties who negotiated agreements to make the provisions of this bill a little better. However, they did not go far enough. The substitute the House has returned to us is still a bad bill. The reasons I opposed this bill in the first place remain unchanged.

The bill still removes a key safety net for families in need. Families will be falling through the cracks and left floundering. Victims of domestic violence might be led back to the violence they are trying to escape. Parents caring for a child with a severe health problem or disability may be forced to work even though we know that safe, highly-skilled, and accessible care for these children is unavailable. A recipient of Social Security disability, which is difficult to obtain, may be forced to find employment that is not available due to their physical and/or mental conditions. And you know we're closing some more mental hospitals, don't you?

This bill does not enhance family well-being. If we are going to make families successful, we need to provide the resources. We need to provide training and tools that will lead to long-term self-sufficiency in jobs where individuals can continue to develop. Simply moving families into jobs that place them above the income limit does not guarantee a ladder to success. Families need access to mental health resources, job-skill training for good jobs, and literacy programs. Placing a child's well-being in danger is not the answer. I urge you to vote "no."

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

Senate Bill No. 817

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 759

On which motion Senator Cherry 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. 621

Yeas—22

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

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Hart	Peters	Young
DeBeaussaert	Leland	Scott	

Excused—4

Dunaskiss	Hoffman	Koivisto	Vaughn
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Not Voting—1

Emerson

In The Chair: President

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

Senator Koivisto entered the Senate Chamber.

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 House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and amended the title to read as follows:

A bill to amend 1976 PA 388, entitled “An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts,” by amending sections 2, 7, 12, 15, 26, 29, 31, 42, 47, 52, 57, and 69 (MCL 169.202, 169.207, 169.212, 169.215, 169.226, 169.229, 169.231, 169.242, 169.247, 169.252, 169.257, and 169.269), sections 2 and 7 as amended by 1994 PA 385, section 12 as amended by 1995 PA 264, section 15 as amended by 2000 PA 201, sections 26, 29, and 42 as amended by 1999 PA 237, section 47 as amended by 1996 PA 225, and sections 52, 57, and 69 as amended by 1996 PA 590.

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

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

Roll Call No. 622

Yeas—21

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

Nays—13

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

Excused—4

Dunaskiss	Emerson	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

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

Protest

Senators Byrum and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 759.

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 Senator Cherry concurred, is as follows:

I rise to speak in opposition to the House substitute to Senate Bill No. 759. I thought this was an ill-advised piece of legislation when it left the Senate, and I am even more convinced that it is something that we should not be supporting as it comes back with the House substitute.

What the House basically did is they took a bill that I thought was misguided campaign finance reform to begin with, but clearly, now it’s focused at a couple of groups and one that I take particular exception to because it’s trying to stop a legitimate fund-raising operation dealing with pro-choice Democratic women. That’s just the wrong thing to be doing.

We know that true campaign finance reform will have the elements of more disclosure, electronic filing, and those kinds of things that the clean campaign finance reform grassroots group out there is trying to promote in Michigan. This legislation doesn’t contain any of those elements. I think it tramples on free speech, and it singles out specifically a couple of groups, one being labor, and the other one being EMILY’s List. I have got to believe that gubernatorial politics is also wrapped up in this, and it’s just not what we as a public body should be doing under the guise of campaign finance reform. It is not reform, it is the wrong thing to do, and we should vote “no” on the House substitute to Senate Bill No. 759.

Senator Hammerstrom moved that her name be removed as sponsor of the following bill:

Senate Bill No. 759

The motion prevailed.

Senator Emmons moved that the enrollment be vacated on the following bill:

Senate Bill No. 817

The motion prevailed.

Senator Emmons moved that the bill be given immediate effect.

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, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 623

Yeas—22

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

Nays—12

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

Excused—4

Dunaskiss	Emerson	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

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

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

Senate Bill No. 660

Senate Bill No. 489

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

Senate Bill No. 660, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16204a, 16204b, 16204c, and 16204d (MCL 333.16204a, 333.16204b, 333.16204c, and 333.16204d), section 16204a as amended by 1998 PA 421, section 16204b as added by 1998 PA 422, and sections 16204c and 16204d as added by 1998 PA 423.

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

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

A bill to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16204b, 16204c, and 16204d (MCL 333.16204b, 333.16204c, and 333.16204d), section 16204b as added by 1998 PA 422 and sections 16204c and 16204d as added by 1998 PA 423.

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

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

Roll Call No. 624

Yeas—34

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

Nays—0

Excused—4

Dunaskiss

Emerson

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

Senate Bill No. 661, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402a (MCL 550.1402a), as amended by 1998 PA 426.

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

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

Senate Bill No. 662, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2212a (MCL 500.2212a), as amended by 1998 PA 424.

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

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

Senate Bill No. 827, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401, 7403, 7407, and 7521 (MCL 333.7401, 333.7403, 333.7407, and 333.7521), sections 7401 and 7403 as amended by 2000 PA 314, section 7407 as amended by 1993 PA 80, and section 7521 as amended by 2000 PA 302; and to repeal acts and parts of acts.

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

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

Senate Bill No. 828, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations," by amending section 2 (MCL 28.292), as amended by 1999 PA 89.

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

Senate Bill No. 826, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 21766 (MCL 333.21766), as amended by 1994 PA 73.

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

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

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

The Senate agreed to the full title.

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

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

The motion prevailed.

Senator Shugars’ statement is as follows:

I just want to thank everybody who worked on the Commission on End-of-Life Care. This is the last bill, the last vote, and I want to compliment everybody on the Governor’s Commission on End-of-Life Care and all the staff and all the individuals who worked on this. I also want to thank all my colleagues here and all the Representatives in the House for working together to help the patient with end-of-life care.

As you remember, a number of years ago, we had a very important issue between the physician-assisted suicide issue and dealing with dignity of death and pain that individuals suffer at the end of their life. The Legislature, after the commission reported, stepped up to their responsibility and put these bills together, so I wanted to compliment everybody for being compassionate and caring for people at the end of their life.

Senate Bill No. 489, entitled

A bill to amend 1939 PA 21, entitled “Regulatory loan act of 1963,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a, 12c, 12d, 13, 13a, 14, 14a, 15, 17, 18, and 21 (MCL 493.1, 493.2, 493.3, 493.4, 493.5, 493.6, 493.7, 493.8, 493.9, 493.10, 493.11, 493.12, 493.12a, 493.12c, 493.12d, 493.13, 493.13a, 493.14, 493.14a, 493.15, 493.17, 493.18, and 493.21), the title and section 17 as amended by 1980 PA 392, sections 1, 10, 13, and 13a as amended by 1996 PA 184, sections 2, 7, 8, 12c, and 21 as amended by 1992 PA 71, sections 4, 11, 12, 12a, and 14 as amended by 1991 PA 14, and section 18 as amended by 1995 PA 165, and by adding section 15a; and to repeal acts and parts of acts.

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

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

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

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

Roll Call No. 625

Yeas—22

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

Nays—12

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

Excused—4

Dunaskiss

Emerson

Hoffman

Vaughn

Not Voting—0

In The Chair: President

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

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to of Senate Bill No. 489.

Senator Cherry's statement is as follows:

I voted "no" on concurrence on the previous bill because an amendment to increase taxes is not a technical amendment.

Recess

Senator Emmons moved that the Senate recess until 6:30 p.m. The motion prevailed, the time being 5:34 p.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Recess

Senator Emmons moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 6:39 p.m.

6:53 p.m.

The Senate was called to order by the Assistant Associate President pro tempore, Senator Arthur J. Miller, Jr.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee on Health Policy:

Senate Bill No. 871, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12522 (MCL 333.12522).

The motion prevailed.

Senator Emmons moved that the following bills, now on the order of General Orders, be referred to the Committee on Families, Mental Health and Human Services:

Senate Bill No. 554, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 100c (MCL 330.1100c), as added by 1995 PA 290.

Senate Bill No. 555, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 204b.

Senate Bill No. 556, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 2000 PA 273.

Senate Bill No. 557, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 222 (MCL 330.1222), as amended by 1995 PA 290.

The motion prevailed.

Senator Emmons moved that the Committee on Transportation and Tourism be discharged from further consideration of the following bill:

House Bill No. 5027, entitled

A bill to name a certain portion of highway M-69 the "Oscar G. Johnson Memorial Highway"; and to prescribe certain duties of the state transportation department.

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

Senator Emmons moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

House Bill No. 5140, entitled

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

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

Senator Emmons moved that the Committee on Finance be discharged from further consideration of the following bill:

House Bill No. 5474, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 2000 PA 477.

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the Assistant Associate President pro tempore, Senator Miller, designated Senator Schuette 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. 5140, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Dickinson 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 amendments, the following bill:

House Bill No. 5474, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 2000 PA 477.

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

1. Amend page 2, line 9, after "EXCEPT" by striking out the balance of the line through "(i)" on line 10.
2. Amend page 2, line 11, after "USE" by inserting "OUTSIDE OF THIS STATE".
3. Amend page 2, line 13, by striking out all of subparagraph (ii).
4. Amend page 4, following line 19, by inserting:

"Enacting section 2. This amendatory act takes effect for tax years that begin after December 31, 2000."

The Senate agreed to the amendments 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:

House Bill No. 5027, entitled

A bill to name a certain portion of highway M-69 the "Oscar G. Johnson Memorial Highway"; and to prescribe certain duties of the state transportation department.

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

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:

House Bill No. 5027

House Bill No. 5140

House Bill No. 5474

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

Senator Cherry moved that Senator Hart be excused from the balance of today's session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 5027, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 72.

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. 626

Yeas—33

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

Nays—0

Excused—5

Dunaskiss
Emerson

Hart

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

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

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

“An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5140, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Dickinson 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. 627

Yeas—33

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Johnson
Koivisto
Leland
McCotter

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—5

Dunaskiss
Emerson

Hart

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

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

The following bill was read a third time:

House Bill No. 5474, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 2000 PA 477.

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. 628

Yeas—33

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

Nays—0

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

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

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

"An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,".

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:

House Bill No. 4647

House Bill No. 5436

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

The following bill was read a third time:

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 2001 PA 139, and by adding section 16344 and part 187.

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. 629

Yeas—33

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

Nays—0

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

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 and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5436, entitled

A bill to authorize the state administrative board to convey certain state owned property in Tuscola county; to prescribe conditions for conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for the disposition of revenue derived from the conveyance.

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

The question being on the adoption of the substitute,
Senator Gougeon offered the following amendment to the substitute:

1. Amend page 6, line 25, after "commission" by striking out "or" and inserting "and".
- The amendment to the substitute was adopted.

Senators Smith and Gougeon offered the following amendments to the substitute:

1. Amend page 5, line 4, after "Sec. 9." by inserting "(1)".
2. Amend page 6, following line 3, by inserting:

"(2) The sale of the property described in this section shall be conducted in a manner to realize the highest price for the sale and the highest return to the state. The sale of this property shall be done in an open manner that uses one or more of the following:

- (a) A competitive sealed bid.
- (b) Oral bid.
- (c) Public auction.
- (d) Use of broker services.

Broker services for the sale of this property shall only be used if there are three or more bidders for this property. The minimum selling price for the property shall be the higher value of either its fair market value or the result of a professional concept plan value as determined by a real estate professional qualified to make such valuations. This real estate professional shall be selected through a request for proposal and competitive bid process.

(3) A notice of a sealed or oral bid, public auction sale, or use of broker negotiation services, regarding the property described in this section shall be published at least once in a newspaper as defined in section 1461 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1461, not less than 10 days before the sale. The newspaper shall be one that is published in the county where the property is located. If a newspaper is not published in the county where the property is located, the notice shall be published in a newspaper in a county nearest to the county in which the property is located. A notice shall describe the general location of the property and the date, time, and place of the sale."

The amendments to the substitute were adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 630

Yeas—24

Bennett	Gast	Miller	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Koivisto	Peters	Smith
Dingell	Leland	Sanborn	Steil
Emmons	McCotter	Schuette	Stille
Garcia	McManus	Schwarz	Van Regenmorter

Nays—9

Byrum	Goschka	Johnson	Scott
Cherry	Hammerstrom	Murphy	Young
DeBeaussaert			

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

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, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 631**Yeas—23**

Bennett	Gast	North	Sikkema
Bullard	Gougeon	Peters	Smith
Cherry	Koivisto	Sanborn	Steil
DeGrow	McCotter	Schuette	Stille
Emmons	McManus	Schwarz	Van Regenmorter
Garcia	Miller	Shugars	

Nays—10

Byrum	Goschka	Leland	Scott
DeBeaussaert	Hammerstrom	Murphy	Young
Dingell	Johnson		

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

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

A bill to authorize the state administrative board to convey certain parcels of state owned property in Tuscola county and Wayne county; to prescribe conditions for conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for the disposition of revenue derived from the conveyances.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Johnson, Hammerstrom and Goschka, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5436.

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

The motion prevailed.

Senator Johnson's first statement, in which Senators Hammerstrom and Goschka concurred, is as follows:

I rise to agree in part with the Senator from Ann Arbor. I think the sale of Northville is, indeed, inevitable, and indeed, we don't know exactly what's going to happen to those patients and where they're going to be housed. In addition to that, we've experienced a bit of frustration around here with promises when institutions have been sold and individuals have been moved out of those institutions. There are dollars that were supposed to follow. That was the commitment. Those dollars are not following, and Senator, you don't have that commitment and neither do I.

Senator Johnson's second statement, in which Senators Hammerstrom and Goschka concurred, is as follows:

I would just like to remind the members that no one has a commitment where those dollars are going to go. I had a visit with the budget director just moments ago, and it was explained to me that they're going into the General Fund.

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

The motion prevailed.

Senator McCotter's statement is as follows:

I rise in support of House Bill No. 5436. As the Senator from the district, I have checked with my local elected officials. Many of my constituents at present are comfortable with the fact that the land will be sold and that the hospital will continue to operate.

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

House Bill No. 4042, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending the title and sections 1, 1a, 2, 3, 4, 5, 6, and 7 (MCL 445.111, 445.111a, 445.112, 445.113, 445.114, 445.115, 445.116, and 445.117), section 1 as amended by 1999 PA 18 and sections 2 and 3 as amended by 2000 PA 15.

(This bill was announced earlier today and consideration postponed. See p. 2329.)

The question being on the adoption of the amendment offered by Senator Dunaskiss,

Senator Emmons moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senator Garcia offered the following amendment:

1. Amend page 12, following line 19, by inserting:

"(5) THIS SECTION DOES NOT APPLY IF THE SELLER IS A FEDERALLY INSURED DEPOSITORY INSTITUTION LOCATED IN THIS STATE."

The question being on the adoption of the amendment,

Senator Garcia moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senator Shugars offered the following substitute:

Substitute (S-8).

The question being on the adoption of the substitute,

Senator Stille offered the following amendment to the substitute:

1. Amend page 6, following line 8, by inserting:

"(iv) A VOICE COMMUNICATION TO A RESIDENTIAL TELEPHONE SUBSCRIBER BY AN INSURANCE AGENT LICENSED BY THE COMMISSIONER OF THE OFFICE OF FINANCIAL AND INSURANCE SERVICES IN CONNECTION WITH A SALE OR OFFER FOR SALE OF INSURANCE."

The amendment to the substitute was adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to consideration of the substitute (S-7) offered by Senator Shugars,

The question being on the adoption of the substitute,

Senator Shugars withdrew the substitute.

By unanimous consent the Senate returned to consideration of the second amendment offered by Senator Schwarz,

The question being on the adoption of the amendment,

Senator Schwarz withdrew the amendment.

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Dunaskiss,

The question being on the adoption of the amendment,

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

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Garcia, The question being on the adoption of the amendment,
 Senator Garcia withdrew the 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. 632**Yeas—22**

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Shugars
DeGrow	Gougeon	North	Sikkema
Dingell	Hammerstrom	Sanborn	Stille
Emmons	Johnson	Schuette	Van Regenmorter
Garcia	Leland		

Nays—10

Byrum	Koivisto	Scott	Steil
Cherry	Murphy	Smith	Young
DeBeaussaert	Peters		

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—1

Miller

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4042 and moved that the statement he made during the discussion of the substitute offered by Senator Shugars be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

I guess I disagree with the esteemed Majority Leader. I think this bill is a step backwards from what we had before us a couple of days ago. You know, the bottom line ultimately is that without a statewide call list, it’s ineffective. All the approach that the Shugars substitute puts forward is, “Don’t call me again.” Now if a solicitor changes telemarketers, does that open them up so they can call a third and a fourth time and then change telemarketers again and can call a fifth and a sixth time? This isn’t going to help the Michigan public one iota.

People simply are tired of getting abusive phone calls from people who are trying to sell them products they're not interested in. They lease this line. They pay for it. They want to be able to say to certain types of phone calls, "Don't call me." They want to be able to say that once and have an effective list. I'm amazed how when you lease this equipment, you're charged access to the network, but somehow you can't control access to your own phone.

I think that what we're trying to do here, Mr. President, is simply trying to fool the public. We're telling them it's impossible for us to effectively regulate telemarketers, so the only thing we can do is this version here that really is not going to have much effect, but at least it's something that's on paper. I think that what we had with the Steil version was a much stronger, a much cleaner, and a much more effective approach. That's really the choice we have. We can have this little sop to public concern about telemarketing, or we can effectively regulate it.

A vote for the Shugars substitute is really to back off of the consumer protection, to allow these telemarketers to simply continue to harass Michigan citizens, and I think that's not our job. Our job is to protect the public, not subject them to what's continually been a practice that people find offensive and inconvenient, at best. I would urge a "no" vote on the Shugars substitute.

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

House Bill No. 4042, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending the title and sections 1, 1a, 2, 3, 4, 5, 6, and 7 (MCL 445.111, 445.111a, 445.112, 445.113, 445.114, 445.115, 445.116, and 445.117), section 1 as amended by 1999 PA 18 and sections 2 and 3 as amended by 2000 PA 15.

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

The question being on the passage of the bill,

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

Roll Call No. 633

Yeas—22

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Shugars
DeGrow	Gougeon	North	Sikkema
Dingell	Hammerstrom	Sanborn	Stille
Emmons	Johnson	Schuette	Van Regenmorter
Garcia	Leland		

Nays—11

Byrum	Koivisto	Peters	Steil
Cherry	Miller	Scott	Young
DeBeaussaert	Murphy	Smith	

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

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

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending the title and sections 1, 1a, 2, 3, 4, 5, 6, and 7 (MCL 445.111, 445.111a, 445.112, 445.113, 445.114, 445.115, 445.116, and 445.117), section 1 as amended by 1999 PA 18 and sections 2 and 3 as amended by 2000 PA 15, and by adding sections 1b, 1c, 1d, 1e, and 1f.

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. 4632, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2000 PA 14, and by adding section 9a.

The questions being on the passage of the bill,

Senator Shugars offered the following substitute:

Substitute (S-2).

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

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

Roll Call No. 634

Yeas—33

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

Nays—0

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

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 prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties,".

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4788, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 2000 PA 449.

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

Senator Emmons moved that the following bills, now on the order of Third Reading of Bills, be referred to the Committee on Technology and Energy:

House Bill No. 4154, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 1b.

House Bill No. 4250, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 1c.

House Bill No. 4631, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding sections 1d, 1e, and 1f.

The motion prevailed.

Senator Scott stated that had she been present when the votes were taken on concurring in the House substitutes to the following bills, she would have voted "yea":

Senate Bill No. 729

Senate Bill No. 735

By unanimous consent the Senate returned to the order of

Motions and Communications

The Secretary announced that the following House bills and joint resolution were received in the Senate and filed on Wednesday, December 12:

House Bill Nos. 4037 4162 4414 4915 4987 5041 5182 5330

House Joint Resolution E

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 13:

**House Bill Nos. 4009 4334 4564 4655 4672 4675 4720 4721 4722 4723 4724 4725 4926 5134
5295 5333 5383 5396 5397 5462**

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Hoffman introduced

Senate Bill No. 927, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 1996 PA 573.

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

Senator Hoffman introduced

Senate Bill No. 928, entitled

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as added by 1985 PA 175.

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

Senator Hoffman introduced

Senate Bill No. 929, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act of 1965," by amending the title and sections 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, and 31 (MCL 338.822, 338.823, 338.825, 338.826,

338.827, 338.829, 338.830, 338.831, 338.832, 338.833, 338.836, 338.837, 338.838, 338.842, 338.843, 338.844, 338.845, 338.846, 338.847, 338.848, and 338.851.

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

Senator Bullard introduced

Senate Bill No. 954, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2000 PA 309.

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

Senator Sikkema introduced

Senate Bill No. 955, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 1998 PA 226.

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

Senator Johnson introduced

Senate Bill No. 956, entitled

A bill to amend 1931 PA 328, entitled "Michigan penal code," (MCL 750.1 to 750.568) by adding section 543h.

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

Senator McCotter introduced

Senate Bill No. 957, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 1135.

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

Senator McCotter introduced

Senate Bill No. 958, entitled

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

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

Senator Hammerstrom introduced

Senate Bill No. 959, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 1997 PA 75.

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

Senator Sanborn introduced

Senate Bill No. 960, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 51a, 209, 303, and 314 (MCL 257.51a, 257.209, 257.303, and 257.314), section 303 as amended by 2001 PA 159 and section 314 as amended by 2000 PA 173.

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

Senators Garcia, Hammerstrom, Stille and Byrum introduced

Senate Bill No. 961, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," (MCL 125.2301 to 125.2349) by adding section 11a.

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

Senator Hammerstrom introduced

Senate Bill No. 962, entitled

A bill to designate an official state symbol for clean water in this state.

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

Senators Schwarz, Emerson, Hammerstrom, McManus, Stille, Byrum, Johnson, Young, Scott and Garcia introduced

Senate Bill No. 963, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1302 (MCL 339.1302).

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

Senators Schwarz, Emerson, Byrum, Hammerstrom, Johnson, McManus, Stille, Young, Scott and Garcia introduced

Senate Bill No. 964, 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 2001 PA 139, and by adding section 16323a and part 168.

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

Senator Emmons introduced

Senate Bill No. 965, entitled

A bill to amend 1933 PA 94, entitled "The revenue bond act of 1933," by amending sections 3, 12, 16, 22, 24, 26, 27, 28, and 30 (MCL 141.103, 141.112, 141.116, 141.122, 141.124, 141.126, 141.127, 141.128, and 141.130), section 3 as amended by 1992 PA 305, sections 12 and 27 as amended by 1985 PA 26, sections 16, 28, and 30 as amended by 1983 PA 76, and section 24 as amended by 1988 PA 228.

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

Senator Peters introduced

Senate Bill No. 966, entitled

A bill to amend 1937 PA 79, entitled "An act to authorize any municipality, as herein defined, to borrow money and issue notes in anticipation of the collection of revenues other than taxes and special assessments; and to prescribe the powers and duties of certain state departments, commissions, and officials," by amending sections 2, 3, and 4 (MCL 141.222, 141.223, and 141.224), section 3 as amended by 1983 PA 50; and to repeal acts and parts of acts.

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

Senator Garcia introduced

Senate Bill No. 967, entitled

A bill to amend 1943 PA 143, entitled "An act to empower boards of county road commissioners to borrow money in anticipation and upon the faith and credit of future receipts of revenues, derived from certain state collected taxes, for the purpose of purchasing road machinery or equipment or for improvement of county highways or for general county road purposes," by amending sections 1 and 2 (MCL 141.251 and 141.252), section 1 as amended by 1983 PA 51; and to repeal acts and parts of acts.

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

Senator Emerson introduced

Senate Bill No. 968, entitled

A bill to amend 1969 PA 121, entitled "An act to authorize counties, cities, townships and villages to issue bonds or notes, and pledge deferred income from sale of capital assets, due and payable but which has not been received, for the payment of principal and interest thereon; and to authorize the county, city, township or village to pledge its full faith and credit for the payment of the bonds or notes," by amending sections 2 and 3 (MCL 141.382 and 141.383), section 3 as amended by 1983 PA 52.

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

Senator Byrum introduced

Senate Bill No. 969, entitled

A bill to amend 1985 PA 217, entitled "An act to establish an employee-owned corporation revolving loan fund; to prescribe the powers and duties of certain state departments and employee-owned corporations; and to make an appropriation," (MCL 450.801 to 450.815).

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

Senator Bullard introduced

Senate Bill No. 970, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24e (MCL 211.24e), as amended by 1995 PA 42.

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

Senator Johnson introduced

Senate Bill No. 971, entitled

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

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

Senator Johnson introduced

Senate Bill No. 972, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87b (MCL 211.87b), as amended by 1994 PA 189.

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

Senator Byrum introduced

Senate Bill No. 973, entitled

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

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

Senator DeBeaussaert introduced

Senate Bill No. 974, entitled

A bill to amend 1939 PA 342, entitled "County public improvement act of 1939," by amending sections 5a and 5c (MCL 46.175a and 46.175c), section 5c as amended by 1983 PA 183.

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

Senator Sanborn introduced

Senate Bill No. 975, entitled

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions," by amending section 17 (MCL 46.367), as amended by 1983 PA 177.

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

Senator Johnson introduced

Senate Bill No. 976, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3, 4a, 5, and 5f (MCL 117.3, 117.4a, 117.5, and 117.5f), section 3 as amended by 1999 PA 260, section 4a as amended by 1994 PA 324, section 5 as amended by 1988 PA 268, and section 5f as amended by 1990 PA 231.

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

Senator DeBeaussaert introduced

Senate Bill No. 977, entitled

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by amending sections 11, 12, and 25 (MCL 123.741, 123.742, and 123.755).

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

Senator Leland introduced

Senate Bill No. 978, entitled

A bill to amend 1945 PA 344, entitled "An act to authorize counties, cities, villages and townships of this state to adopt plans to prevent blight and to adopt plans for the rehabilitation of blighted areas; to authorize assistance in carrying out such plans by the acquisition of real property, the improvement of such real property and the disposal of real property in such areas; to prescribe the methods of financing the exercise of these powers; and to declare the effect of this act," by amending sections 7a and 7b (MCL 125.77a and 125.77b), section 7a as amended by 1983 PA 32 and section 7b as amended by 1986 PA 320.

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

Senator McCotter introduced

Senate Bill No. 979, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 33 (MCL 125.233), as added by 1996 PA 569.

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

Senator McCotter introduced

Senate Bill No. 980, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 33 (MCL 125.303), as added by 1996 PA 570.

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

Senator McCotter introduced

Senate Bill No. 981, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 15 (MCL 125.595), as added by 1996 PA 571.

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

Senator Leland introduced

Senate Bill No. 982, entitled

A bill to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies," by amending sections 17 and 47 (MCL 125.667 and 125.697), as amended by 1996 PA 338; and to repeal acts and parts of acts.

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

Senator Smith introduced

Senate Bill No. 983, entitled

A bill to amend 1949 PA 208, entitled "An act to authorize cities, villages and townships of this state to designate neighborhood areas for the purpose of planning and carrying out local public improvements for the prevention of blight within such areas; to authorize assistance in carrying out plans for local improvements by the acquisition and disposal of real property in such areas; to provide for the combining of neighborhood improvements that benefit the entire neighborhood into 1 improvement project; to provide for the establishment of local assessment districts coterminous

with the neighborhood boundaries; to prescribe the methods of financing the exercise of these powers, and to declare the effect of this act," by amending sections 6a and 6b (MCL 125.946a and 125.946b), as amended by 1983 PA 38.

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

Senator North introduced

Senate Bill No. 984, entitled

A bill to amend 1923 PA 118, entitled "An act to authorize counties to raise by loan, expend from unallocated moneys on hand, or borrow money for permanent improvements, to issue bonds, and to levy taxes to the extent necessary for the repayment of the bonds," by amending section 1 (MCL 141.61).

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

Senator Smith introduced

Senate Bill No. 985, entitled

A bill to amend 1957 PA 57, entitled "An act to authorize cities and villages in Michigan to raise money by taxes or bond issue within certain limits for the purpose of establishing a local improvement revolving fund; providing for the use of moneys in the fund and the reimbursement of moneys used therefrom; and other matters relating to the creation of the fund and its use," by amending sections 1 and 3 (MCL 141.371 and 141.373).

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

Senator Miller introduced

Senate Bill No. 986, entitled

A bill to amend 1964 PA 205, entitled "An act authorizing the purchase by municipalities of fire trucks, fire fighting apparatus and equipment on executory title retaining contracts and under chattel mortgage financing," by amending section 1 (MCL 141.451).

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

Senator Young introduced

Senate Bill No. 987, entitled

A bill to amend 1957 PA 4, entitled "Charter water authority act," by amending sections 15 and 16 (MCL 121.15 and 121.16); and to repeal acts and parts of acts.

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

Senator Sanborn introduced

Senate Bill No. 988, entitled

A bill to amend 2000 PA 147, entitled "Safe drinking water financial assistance act," by amending sections 3 and 4 (MCL 141.1453 and 141.1454).

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

Senators McManus, Stille, Gougeon and Gast introduced

Senate Bill No. 989, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8302, 8303, 8304, 8305, 8306, 8309, 8310, 8311, 8312, 8313, 8314, 8317, 8318, 8319, 8322, 8327, 8329, 8330, and 8333 (MCL 324.8302, 324.8303, 324.8304, 324.8305, 324.8306, 324.8309, 324.8310, 324.8311, 324.8312, 324.8313, 324.8314, 324.8317, 324.8318, 324.8319, 324.8322, 324.8327, 324.8329, 324.8330, and 324.8333), section 8319 as amended by 1996 PA 312, and by adding sections 8307a, 8307b, 8307c, 8307d, 8307e, and 8307f; and to repeal acts and parts of acts.

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

Senator Schuette introduced

Senate Bill No. 990, entitled

A bill to authorize certain agreements and methods for or in connection with the acquisition, construction of, or improvement to a transportation facility; to authorize a responsible public entity to enter into certain agreements; to

authorize public entities to dedicate public property; to authorize a responsible public entity to approve the issuance of debt obligations in connection with the transportation facility; to authorize the bringing of certain actions; to authorize the exercise of powers of condemnation; to provide for the dedication of assets; to provide sovereign immunity for certain entities; to establish jurisdiction for and to prescribe certain other powers and duties of a responsible public entity; to prescribe certain powers and duties of certain state agencies under certain circumstances; to authorize a specific project for an interstate or international bridge, tunnel, or ferry; and to authorize extraterritorial agreements.

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

House Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to provide that the state officers compensation commission's determinations of certain salaries and expense allowances only become effective with approval of the legislature for the legislative session immediately following the next general election and for the amendment of those determinations.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

The joint resolution was read a first and second time by title.

Senator Emmons moved that rules be suspended and that the joint resolution be placed on the General Orders calendar for consideration today.

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

House Bill No. 4009, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2a (MCL 21.142a), as amended by 1987 PA 27.

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

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

House Bill No. 4037, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 1998 PA 226.

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

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

House Bill No. 4162, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 662 (MCL 168.662), as amended by 1999 PA 216, and by adding section 659.

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

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

House Bill No. 4334, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 27 (MCL 38.27), as amended by 1987 PA 241.

The House of Representatives has passed the bill.

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

House Bill No. 4414, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 859, 1053, and 1059 (MCL 380.859, 380.1053, and 380.1059), section 1053 as amended by 1993 PA 9 and section 1059 as amended by 1992 PA 263.

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

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

House Bill No. 4564, entitled

A bill to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

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

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

House Bill No. 4655, entitled

A bill to revise the priority of allocation of funds for certain programs and services administered by the department of community health; and to prescribe the powers and duties of certain state agencies and departments.

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

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

House Bill No. 4672, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1178a.

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

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

House Bill No. 4675, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 512.

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

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

House Bill No. 4720, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 6 of chapter XIV (MCL 74.6) and by adding sections 6b, 6c, and 6d to chapter XIV.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4721, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4 and 5 (MCL 78.4 and 78.5) and by adding section 5b.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4722, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 9 and 9b (MCL 117.9 and 117.9b), section 9 as amended by 1984 PA 352 and section 9b as added by 1982 PA 465, and by adding sections 9c, 9d, and 9e.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4723, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 104a.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4724, entitled

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11b (MCL 123.1011b), as added by 1982 PA 192.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4725, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4915, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

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

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

House Bill No. 4926, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8807 (MCL 324.8807), as added by 1998 PA 287, and by adding sections 3112d and 3115b.

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

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

House Bill No. 4987, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2512 (MCL 339.2512), as amended by 2000 PA 436.

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

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

House Bill No. 5041, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

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

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

House Bill No. 5134, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 667a (MCL 257.667a), as added by 2000 PA 367.

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

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

House Bill No. 5182, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 7 (MCL 338.887), as amended by 1992 PA 130.

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

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

House Bill No. 5295, entitled

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

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

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

House Bill No. 5330, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 3 (MCL 205.3), as amended by 1986 PA 58.

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

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

House Bill No. 5333, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30a (MCL 205.30a), as amended by 1995 PA 116.

The House of Representatives has passed the bill.

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

House Bill No. 5383, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and

repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 1b, 10c, 10h, 11, 11c, 12, 18e, and 20a (MCL 247.651b, 247.660c, 247.660h, 247.661, 247.661c, 247.662, 247.668e, and 247.670a), section 1b as amended by 1989 PA 188, section 10c as amended by 1990 PA 73, section 10h as amended by 1982 PA 438, section 11 as amended by 2000 PA 188, sections 11c and 12 as amended by 1997 PA 79, and section 18e as amended by 1985 PA 201, and by adding section 10p.

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

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

House Bill No. 5396, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 9a (MCL 247.659a), as amended by 1998 PA 308.

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

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

House Bill No. 5397, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30d (MCL 206.30d), as amended by 2000 PA 42.

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

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

House Bill No. 5462, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12522 (MCL 333.12522).

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

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

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 Schuette 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 joint resolution:

House Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to provide that the state officers compensation commission's determinations of certain salaries and expense allowances

only become effective with approval of the legislature for the legislative session immediately following the next general election and for the amendment of those determinations.

The joint resolution was placed on the order of Third Reading of Bills.

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

House Bill No. 4788, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8121 (MCL 600.8121), as amended by 2000 PA 449.

Substitute (S-3).

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
Third Reading of Bills

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

House Bill No. 4788

House Joint Resolution E

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

The following bill was read a third time:

House Bill No. 4788, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8121 (MCL 600.8121), as amended by 2000 PA 449.

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. 635

Yeas—20

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

Nays—12

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

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—1

Byrum

In The Chair: Schwarz

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

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

The Senate agreed to the full title.

The following joint resolution was read a third time:

House Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to provide that the state officers compensation commission’s determinations of certain salaries and expense allowances only become effective with approval of the legislature for the legislative session immediately following the next general election and for the amendment of those determinations.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 3, line 15, after “at” by striking out “a special election to be held on August 6, 2002” and inserting “THE NEXT GENERAL ELECTION”.

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

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. 636

Yeas—17

Byrum	Gast	Miller	Scott
Cherry	Goschka	Murphy	Sikkema
DeBeaussaert	Koivisto	Peters	Smith
Dingell	Leland	Sanborn	Young
Garcia			

Nays—16

Bennett	Gougeon	McManus	Shugars
Bullard	Hammerstrom	North	Steil
DeGrow	Johnson	Schuette	Stille
Emmons	McCotter	Schwarz	Van Regenmorter

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

Protest

Senator McCotter, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Peters to House Joint Resolution E and moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator McCotter’s statement is as follows:

Personally, I have had no concern whether it is November or August, as long as the voters have the opportunity to vote for an amendment that will fix the way legislators’ pay is raised in the state of Michigan. My concern, therefore, is not so much a philosophical one. It is a practical one. The resolution before us passed the Michigan State House on, I believe, a unanimous, bipartisan vote. Whatever the merits of the good Senator’s arguments, I would like to ask that we reject this amendment, and put this constitutional issue before the people as quickly as possible.

The question being on the adoption of the joint resolution,

The joint resolution was adopted, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 637

Yeas—33

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

Nays—0

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the joint resolution.

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

The motion prevailed.

Senator McCotter’s statement is as follows:

I’d like to urge this body to concur with the House resolution, House Joint Resolution E. As you know, there were a lot of bumps in the road in getting this here, but I think we should seize the opportunity to ensure that when elected officials receive a pay raise, they are publicly on the record that they wish to receive it. It is a necessary reform to the system, and I think that if we put it in front of the people of the state of Michigan, they will embrace it and adopt it and make it part of their Constitution.

And, if I may, I’d like to thank a lot of individuals, especially two people, Representative Clark Bisbee, from which the idea sprang and his dedication has made this possible. I’d also like to thank the good Senator from the 14th District for making this a bipartisan effort to reform the system. It was a great help having him along by our side as we fought through this.

The House of Representatives requested the return of

House Bill No. 5189, entitled

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

Senator Emmons moved that the request of the House be granted.

The motion prevailed.

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

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

House Bill No. 4736

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

House Bill No. 4736, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," (MCL 125.981 to 125.987) by adding chapter 2.

The House of Representatives has substituted (H-5) the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-5) and amended the title to read as follows:

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," (MCL 125.981 to 125.987) by amending the title, as amended by 1999 PA 49, and by adding chapter 2.

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

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

Roll Call No. 638

Yeas—27

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McManus	Sikkema
Byrum	Goschka	Miller	Smith
Cherry	Gougeon	North	Steil
DeBeaussaert	Hammerstrom	Peters	Stille
DeGrow	Johnson	Sanborn	Van Regenmorter
Emmons	Koivisto	Schuette	

Nays—6

Dingell	Murphy	Shugars	Young
McCotter	Scott		

Excused—5

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title as amended.

Senate Bill No. 505, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

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

The House of Representatives has passed the bill as substituted (H-3) and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 160.

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

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 Schuette 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. 4140, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 80.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 766

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

Senate Bill No. 766, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 1990 PA 54.

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

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

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 517 and 522 (MCL 600.517 and 600.522), section 517 as amended by 1990 PA 54 and section 522 as amended by 1981 PA 182.

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

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

Roll Call No. 639**Yeas—33**

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

Nays—0**Excused—5**

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 499, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by repealing chapter 37 (MCL 500.3701 to 500.3728).

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

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

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5357, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 517 and 803 (MCL 600.517 and 600.803), section 517 as amended by 1990 PA 54 and section 803 as amended by 1998 PA 55.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 640**Yeas—32**

Bennett	Garcia	McManus	Scott
Bullard	Gast	Miller	Shugars

Byrum	Goschka	Murphy	Sikkema
Cherry	Gougeon	North	Smith
DeBeaussaert	Johnson	Peters	Steil
DeGrow	Koivisto	Sanborn	Stille
Dingell	Leland	Schuette	Van Regenmorter
Emmons	McCotter	Schwarz	Young

Nays—0**Excused—5**

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—1

Hammerstrom

In The Chair: Schwarz

Senator Van Regenmorter offered to amend the title to read as follows:

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 517 (MCL 600.517), as amended by 1990 PA 54.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 715, entitled**

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

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

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

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

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

Senate Bill No. 500, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 244 (MCL 500.244), as amended by 1992 PA 182.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 525, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21712 (MCL 333.21712).

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

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

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

The Senate agreed to the full title.

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

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head the of Third Reading of Bills calendar:

House Bill No. 4140

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

The following bill was read a third time:

House Bill No. 4140, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 80.

The question being on the passage of the bill,

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

Roll Call No. 641**Yeas—33**

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

Nays—0**Excused—5**

Dunaskiss	Hart	Hoffman	Vaughn
Emerson			

Not Voting—0

In The Chair: Schwarz

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

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

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

"An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil

claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 747, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” (MCL 450.4101 to 450.5200) by adding section 204a.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 746, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 213 (MCL 450.1213).

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

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

The motion prevailed.

The following communication was received:

Department of Community Health

November 26, 2001

In accordance with Public Act 336 of 1994 (Section 333.2723, the Michigan Department of Community Health is submitting the *Essential Health Provider (MEHP) Recruitment Strategy report*. The biennial report details the progress in the past two years. It also includes accomplishments since the program’s inception in 1991.

If you have any questions, please feel free to contact my office at 335-0267.

Cordially,

James K. Haveman, Jr.

The communication was referred to the Secretary for record.

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending September 30, 2001:

Senator Dianne Byrum	August 10-15	NCSL 2001 Conference San Antonio, TX	\$ 1,299.00
Senator John Cherry	August 11-15	NCSL 2001 Conference San Antonio, TX	\$ 1,163.84

Senator Christopher Dingell	August 9-12	National Conference of Commission on Uniform State Laws White Sulphur Springs, WV	\$ 1,185.13
Senator Mat Dunaskiss	July 28-August 2	ALEC Conference New York City, NY	\$ 1,250.20
Senator Robert Emerson	August 11-15	NCSL 2001 Conference San Antonio, TX	\$ 1,164.82
Senator Joanne Emmons	August 9-16	NCSL 2001 Conference San Antonio, TX	\$ 1,563.62
Senator Beverly Hammerstrom	July 28-August 1	CSG Midwest Legislative Conference Lincoln, NE	\$ 750.51
Senator George Hart	August 8-15	NCSL 2001 Conference San Antonio, TX	\$ 1,481.43
Senator Philip Hoffman	September 4-5	Breakfast Ceremony with President Bush re Migrant Worker Issues Washington, DC	\$ 803.26
Senator Burton Leland	August 11-15	NCSL 2001 Conference San Antonio, TX	\$ 1,086.84
Senator Raymond Murphy	August 1-15	NCSL 2001 Conference San Antonio, TX	\$ 634.38
Senator John Schwarz	July 29-30	Speaker - CSG Midwest Legislative Conference Lincoln, NE	\$ 646.25
	August 11-14	NCSL 2001 Conference San Antonio, TX	\$ 1,218.13
Senator Martha Scott	August 10-15	NCSL 2001 Conference San Antonio, TX	\$ 1,167.24
Senator Dale Shugars	July 28-August 1	CSG Midwest Legislative Conference Lincoln, NE	\$ 918.26
Senator Alma Smith	August 11-15	NCSL 2001 Conference San Antonio, TX	\$ 1,028.84
Senator Leon Stille	July 18-21	2001 Education Commission of the States Philadelphia, PA	\$ 1,033.76

By unanimous consent the Senate returned to the order of
Statements

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

The motion prevailed.

Senator Shugars' statement is as follows:

I asked the Floor Leader if I could make a statement, and thank you for letting me make the statement.

I want to compliment you, Senator Schwarz—what you did yesterday—because we all witnessed a very terrifying experience with our colleague and good friend Senator Mat Dunaskiss. I truly believe that you saved his life yesterday, and I know a number of my colleagues feel the same way. I just want to from the bottom of my heart thank you very much for being there, being an excellent physician, being very compassionate, very caring, and being right there when he needed you and everyone else did. I believe that had you not been there, Mat may have very well not have made it.

We're going to be requesting a Senate resolution congratulating and thanking you for your services, and I truly appreciate it. So thank you very much, Mr. President.

Senator Emmons' statement is as follows:

I just want to thank the entire body for their patience with me and my staff, as we kind of struggled these last few months, as we tried to get a new team together. I especially want to thank the Secretary's office, and even Senator Cherry when he reminds me of what the correct order of business is or what my motion should be. It's a real pleasure to serve you, and I really appreciate all your help.

This has been a very productive year. After yesterday, I think we can all agree that we have very much to be grateful for. So this Christmas I wish you a very, very merry Christmas and a blessed New Year. Hug your kids.

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 9:27 p.m.

9:57 p.m.

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

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

Senate Bill No. 825, entitled

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 518, 521, and 522 (MCL 600.518, 500.521, and 600.522), section 518 as amended by 1988 PA 134, section 521 as amended by 1990 PA 54, and section 522 as amended by 1981 PA 182.

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

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

Senate Bill No. 486, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1998 PA 539.

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

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

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

The Senate agreed to the full title.

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:03 p.m.

10:06 p.m.

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

By unanimous consent the Senate returned to the order of
Resolutions

Senator Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 52.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, December 13, 2001, it stands adjourned until Friday, December 21, 2001, at 11:45 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Friday, December 14, 2001, it stands adjourned until Friday, December 21, 2001, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Friday, December 21, 2001, it stands adjourned without day.

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

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

The concurrent resolution was adopted.

Recess

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

The motion prevailed, the time being 10:08 p.m.

10:29 p.m.

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

Committee Reports

The Committee on Detroit Metro Airport Review reported

Senate Bill No. 690, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 133 (MCL 259.133), as amended by 1996 PA 370, and by adding sections 126d, 126e, 126f, 126g, 126h, 126i, and 126j.

With the recommendation that the substitute (S-6) be adopted and that the bill then pass.

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

Glenn D. Steil
 Chairperson

To Report Out:

Yeas: Senators Steil, Bennett and Stille

Nays: Senator Leland

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

COMMITTEE ATTENDANCE REPORT

The Committee on Detroit Metro Airport Review submits the following:

Meeting held on Tuesday, December 11, 2001, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Emerson

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:31 p.m.

Pursuant to Senate Concurrent Resolution No. 50, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Friday, December 21, at 11:45 a.m.

CAROL MOREY VIVENTI
 Secretary of the Senate.