

**No. 79**  
**JOURNAL OF THE SENATE**

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Senate Chamber, Lansing, Thursday, December 14, 2000.

10:00 a.m.

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

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

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

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

Rogers—present  
Schuette—present  
Schwarz—present  
Shugars—present  
Sikkema—present  
A. Smith—present  
V. Smith—excused  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—excused  
Young—present

Senator Kenneth R. Sikkema of the 31st District offered the following invocation:

Our Lord and our God, through Your prophet Jeremiah, You said, "Call to me and I will answer you and tell you great and unsearchable things that you do not know." This morning as we wind up this two-year session, we do call on You, resting on Your promise that You will answer us and that You will show us the possibilities that we cannot even imagine. Open our hearts and our minds to the possibilities of our positions as legislators and Senators; open our hearts and minds to the possibilities to the public service we can render to our constituents; open our hearts and minds to the possibilities of working together without regard to partisan affiliation or geographical differences; and as we end this year and approach a new year, we ask You to open our hearts and minds to the possibilities of the new year and the possibilities of this time and place in Michigan history. This we ask and more. Amen.

Senators Rogers and Cherry entered the Senate Chamber.

### Motions and Communications

Senator Rogers moved that Senators Jaye, Schuette and Shugars be temporarily excused from today's session. The motion prevailed.

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

Senator Emerson moved that Senators V. Smith and Vaughn be excused from today's session. The motion prevailed.

Senator Shugars entered the Senate Chamber.

The following communication was received and read:  
Office of the Senate Majority Leader

December 7, 2000

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the conference committee on House Bill 5951.

Senator Gougeon  
Senator McManus  
Senator DeBeaussaert

Sincerely,  
Dan L. DeGrow  
Senator Majority Leader

The communication was referred to the Secretary for record.

### Recess

Senator Rogers moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:05 a.m.

10:53 a.m.

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

During the recess, Senators Schuette, Miller, Jaye and Murphy entered the Senate Chamber.

The following communication was received:

December 6, 2000

Please be advised that I hereby resign my position as State Senator of the second senatorial district effective December 31, 2000.

Sincerely,  
Virgil Clark Smith  
Senate Democratic Floor Leader  
2nd District

The communication was referred to the Secretary for record.

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:

Today, seeing that hopefully this is the last day of the session, I'd like to make an announcement. First of all, there are bagels and fruit that are out in the hallway honoring Charlene McCallum because this is her last session day. Charlene has been with me for over 10 years, and before she was with me, she was with, remember Senator Harmon Cropsey and then before Senator Harmon Cropsey, Senator Alan Cropsey, who is the son of Harmon. So Charlene's been here for a long time and has done a great job. Not only is she extremely loyal to her bosses, but she's extremely loyal to the caucuses that she's worked for and for the Senate and for the House when she worked there, but also for the Legislature as a whole, and then for the citizens of the state of Michigan.

As you know, she's a very bright lady. She has a bachelor's degree. She taught high school. She also has a master's degree, and she's taught at Davenport College. She's going to be going into real estate sales and real estate licenses. So if any of you want to buy or sell or rent a house, let Charlene know.

This is Charlene's last session day, as I said, and I have a special tribute here that's signed by the Governor, Majority Leader Dan DeGrow, Lieutenant Governor Dick Posthumus, and then as you remember, Jerry Vander Roest, who worked with us—who went over to the House of Representatives—he signed this also.

Charlene, I just want to tell you from the bottom of my heart, not only as a technical person and your dedication and loyalty, but just keeping me straight and narrow in my life as a legislator because as everyone knows, balancing up here in your life is very difficult from physical activity, mental activity to spiritual, and you've always been there for me, and I really appreciate it. God bless you, and I wish you the best in your retirement.

The President of the Senate made a statement and requested that it be printed in the Journal.

The President's statement is as follows:

In my former life, as the Majority Leader, I got to know Charlene very, very well. This body is certainly going to miss her. Her dedication and work is something that has left an impact here and for the state of Michigan. Charlene, we certainly wish you well.

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

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

**House Bill No. 5410, entitled**

A bill to amend 1976 PA 289, entitled "An act to implement, clarify, and confirm the constitutional powers of the bodies corporate controlling those institutions of higher education named in sections 4, 5, and 6 of article 8 of the state constitution of 1963, or established by law as therein provided, regarding the establishment and financing of student loan programs," by amending section 5 (MCL 390.1355).

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. 819**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith, A.
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—2**

Smith, V.

Vaughn

**Not Voting—1**

Gougeon

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.

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

**House Bill No. 4207, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

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. 820****Yeas—34**

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

**Nays—2**

Dingell	Jaye
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**Excused—2**

Smith, V.	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. 4388, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 1606 (MCL 324.1606), as added by 1995 PA 60; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Jaye moved that further consideration of the bill be postponed for today.

The motion did not prevail.

Senator Jaye moved that further consideration of the bill be postponed temporarily.

The motion did not prevail.

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. 821**

**Yeas—21**

Bennett	Goschka	Koivisto	Schwarz
Bullard	Gougeon	Murphy	Sikkema
DeGrow	Hammerstrom	North	Steil
Emerson	Hoffman	Peters	Van Regenmorter
Emmons	Johnson	Rogers	Young
Gast			

**Nays—14**

Byrum	Dunaskiss	McManus	Shugars
Cherry	Jaye	Miller	Smith, A.
DeBeaussaert	Leland	Schuette	Stille
Dingell	McCotter		

**Excused—2**

Smith, V.	Vaughn
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**Not Voting—1**

Hart

In The Chair: President

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

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

The Senate agreed to the full title.

### Protests

Senators Jaye, McCotter and Dunaskiss, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4388.

Senator Jaye moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Jaye’s first statement, in which Senators McCotter and Dunaskiss concurred, is as follows:

Yesterday we voted on legislation which would put additional responsibilities and additional requirements on those who are seeking concealed carry permits. And for the first time since 1927, we would say anybody who’s convicted of a misdemeanor would be prohibited from having a CCW permit for three years.

We have in front of us right now House Bill No. 4388, which says we’re going to give the commission parks and recreation officers the arrest authority for it says, “minor offenses on state waterways, including personal watercraft and snowmobile offenses.” Every single boating infraction is a misdemeanor: That means if the decal falls off from your canoe; that means if you don’t have your license with you on the snowmobile; if you don’t have enough life jackets or if a life jacket is ripped; if a fire extinguisher date has expired. These are not minor offenses in the view of somebody who’s trying to get a CCW permit. In fact, that CCW law even allows people under subsection (O) to be rejected even if they had civil infractions for anything they may have done or said.

So I want you to please take a close look at this bill. Do we really want to give park rangers and recreation officers who are not police officers—these are not police officers, these are people who have limited but not complete law enforcement experience; these are people who don’t have road experience; these are people who do not go through a police academy; these are individuals who understand and are superior in recreation, on understanding enrichment of our wildlife, and on appreciation of our recreational habits and recreational opportunities, but these are not police officers—the authority to issue a misdemeanor permit that’s going to preclude people from getting a CCW permit? Or maybe a job because when people apply for a job, oftentimes employers ask if you’ve been convicted of any misdemeanors in the last three years. They’d have to say yes because they drove a jet ski less than an hour before sunset—less than an hour before sunset. Police do an excellent job. Our recreation officers do an excellent job, but recreation officers are not trained. They are not supervised, and they don’t have the experience that the State Police, the county sheriff, or city police have. I believe it is inappropriate for us to give recreation officers the same misdemeanor-writing authority as police officers.

I would hope we would pass this bill for the day until we get some more information on what kind of training that these recreation officers really have compared to our law enforcement officials.

Senator Jaye’s second statement, in which Senators McCotter and Dunaskiss concurred, is as follows:

I’d ask folks to just take a look at the bill description and the content. It says, “An officer may make a warrantless arrest on state park property.” The officer may make a warrantless arrest on state park property, including personal watercraft and snowmobile offenses. We’re just entering into the snowmobile season, and a lot of these things are judgment calls how fast someone is driving their snowmobile; on whether they’re operating their snowmobile within a certain number of feet of a residence; on whether they’re straying off from a trail; and whether they are properly or improperly using their vehicle on county roads, on what the speed limit is.

We need to support our recreational officers. I believe they have a very valuable quality of life, as well as wildlife management services, but to give them this power—and it’s not a minor offense when it’s imprisonment up to 92 days and maximum fines of \$1,000.00—what’s the rush? We may have some unintended consequences here. I’m just asking, and I’m going to make the motion to pass the bill for the day until we have some information from our staff, both on the Republican and Democratic side, on how much training that these park officers have compared to the State Police, county sheriff deputies, and the city police.

Senator Jaye’s third statement, in which Senators McCotter and Dunaskiss concurred, is as follows:

I just found out from a staffer that these park officers only have five weeks of law enforcement training.



Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson

McManus  
Miller  
Murphy  
North  
Peters  
Rogers

Sikkema  
Smith, A.  
Steil  
Stille  
Van Regenmorter  
Young

**Nays—0**

**Excused—2**

Smith, V.

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5669, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2000 PA 82.

The question being on the passage of the bill,

Senator Bullard offered the following amendments:

1. Amend page 3, line 7, after “A” by striking out “VEHICLE EQUIPPED WITH A WHEELCHAIR LIFT SYSTEM” and inserting “van which is”.

2. Amend page 3, line 12, after “subdivision.” by striking out the balance of the subdivision.

3. Amend page 13, line 21, by striking out “VEHICLE EQUIPPED WITH A WHEELCHAIR LIFT SYSTEM” and inserting “van which is”.

4. Amend page 13, line 26, after “subdivision.” by striking out the balance of the subdivision.

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

The question being on the passage of the bill,

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

**Roll Call No. 824**

**Yeas—36**

Bennett  
Bullard  
Byrum  
Cherry

Emmons  
Gast  
Goschka  
Gougeon

Koivisto  
Leland  
McCotter  
McManus

Schuette  
Schwarz  
Shugars  
Sikkema



DeBeussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

**Nays—0**

**Excused—2**

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5036, entitled**

A bill to amend 1943 PA 184, entitled “Township zoning act,” by amending sections 9, 11a, and 40 (MCL 125.279, 125.281a, and 125.310), section 40 as added by 1996 PA 570, and by adding section 3a.

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. 825**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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 provide for the establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5037, entitled**

A bill to amend 1943 PA 183, entitled “County zoning act,” by amending sections 9, 11a, and 40 (MCL 125.209, 125.211a, and 125.240), section 40 as added by 1996 PA 569, and by adding section 3a.

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. 826**

**Yeas—36**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Emmons  
Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson

Koivisto  
Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers

Schuette  
Schwarz  
Shugars  
Sikkema  
Smith, A.  
Steil  
Stille  
Van Regenmorter  
Young

**Nays—0**

**Excused—2**

Smith, V.

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5706, entitled**

A bill to amend 1929 PA 199, entitled “An act to authorize and empower villages and townships of this state having a population not exceeding 10,000 inhabitants, to levy a tax for the maintenance or the purchase of lands and maintenance of property for a community center for the benefit of the public, provided the question of such purchase or maintenance, or both purchase and maintenance, as the case may be, is submitted to the duly qualified voters of such villages or townships and is adopted by a majority vote of those participating in said election; and to prescribe penalties and provide remedies,” by amending sections 3 and 5 (MCL 123.43 and 123.45).

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. 827**

**Yeas—33**

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McManus	Shugars
Byrum	Gougeon	Miller	Sikkema
Cherry	Hammerstrom	Murphy	Smith, A.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuette	Young
Emmons			

**Nays—2**

Jaye	McCotter
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**Excused—2**

Smith, V.	Vaughn
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**Not Voting—1**

Emerson

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.

**Protests**

Senators Jaye and McCotter, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5706.

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

The motion prevailed.

Senator Jaye’s statement, in which Senator McCotter concurred, is as follows:

I’m reading through the bill analysis, and I guess I don’t object to increasing for seven directors of a community center instead of six and that there’s got to be a staggered election cycle. But the last point is that this is a new state law that will delete a provision requiring the community center be free to use of the inhabitants where it’s located. If we have a state law that says that citizens who live a township, city, or village get to use and enjoy their community center for free, why are we going to charge people to use a community center for which they’ve already paid property taxes or for which they’ve already received some state monies?

So perhaps the people who are the bill’s managers or the advocates of the legislation could explain why we are deleting the state law prohibiting citizens from being charged to use their own community centers located in their own township, city, or village.

The following bill was read a third time:

**House Bill No. 5843, 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 supervisors with respect thereto,” by amending the title and section 1 (MCL 46.351), section 1 as amended by 1990 PA 84.

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. 828**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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. 5952, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 3 (MCL 46.3), as amended by 1998 PA 97.

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. 829****Yeas—34**

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

**Nays—2**

Hart	Jaye
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**Excused—2**

Smith, V.	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. 4596, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917; 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. 830****Yeas—36**

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

**Nays—0****Excused—2**

Smith, V.

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 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. 4525, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 520a and 520e (MCL 750.520a and 750.520e), section 520a as amended by 1983 PA 158 and section 520e as amended by 2000 PA 227.

The question being on the passage of the bill,

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

**Roll Call No. 831****Yeas—36**

Bennett	Emmons	Koivisto	Schuetter
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars

Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

**Nays—0**

**Excused—2**

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: President

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. 5672, 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 7c.

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. 832**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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. 5925, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 120a (MCL 750.120a).

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendments:

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

“(B) IF THE INTIMIDATION IS COMMITTED IN A CRIMINAL CASE FOR WHICH THE MAXIMUM TERM OF IMPRISONMENT FOR THE VIOLATION IS MORE THAN 10 YEARS, OR THE VIOLATION IS PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.” and relettering the remaining subdivision.

2. Amend page 2, line 7, after the second “OR” by striking out the balance of the line through “PERSON,” on line 8 and inserting “INJURE ANY PERSON OR TO CAUSE PROPERTY DAMAGE,”.

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

The question being on the passage of the bill,

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

**Roll Call No. 833**

**Yeas—36**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Emmons  
Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson

Koivisto  
Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers

Schuette  
Schwarz  
Shugars  
Sikkema  
Smith, A.  
Steil  
Stille  
Van Regenmorter  
Young

**Nays—0**

**Excused—2**

Smith, V.

Vaughn



**Not Voting—0**

In The Chair: President

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. 5929, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 834****Yeas—36**

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

**Nays—0****Excused—2**

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: President

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to

provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5930, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 122.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendments:

1. Amend page 3, line 23, after “VIOLATION” by striking out the balance of the line through “PERSON,” on line 24 and inserting “INVOLVES COMMITTING OR ATTEMPTING TO COMMIT A CRIME OR A THREAT TO KILL OR INJURE ANY PERSON OR TO CAUSE PROPERTY DAMAGE.”

2. Amend page 3, line 25, after “THAN” by striking out “20” and inserting “15”.

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

The question being on the passage of the bill,

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

**Roll Call No. 835**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: President

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.



DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

**Nays—0**

**Excused—2**

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5256, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 81 (MCL 750.81), as amended by 1994 PA 64.

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. 838**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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. 6091, entitled**

A bill to amend 1988 PA 234, entitled “Michigan Vietnam veterans memorial act,” by amending the title and sections 2 and 5 (MCL 35.1052 and 35.1055), section 5 as amended by 1992 PA 122, and by adding section 5a.

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. 839****Yeas—36**

Bennett

Emmons

Koivisto

Schuette

Bullard

Gast

Leland

Schwarz

Byrum

Goschka

McCotter

Shugars

Cherry

Gougeon

McManus

Sikkema

DeBeaussaert

Hammerstrom

Miller

Smith, A.

DeGrow

Hart

Murphy

Steil

Dingell

Hoffman

North

Stille

Dunaskiss

Jaye

Peters

Van Regenmorter

Emerson

Johnson

Rogers

Young

**Nays—0****Excused—2**

Smith, V.

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 create the Vietnam veterans memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for legislative oversight; and to provide for dissolution of the commission and monument fund.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4552, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

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. 840**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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 not concurred in, 2/3 of the members serving not 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. 4615, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

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. 841**

**Yeas—36**

Bennett	Emmons	Koivisto	Schuetz
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars

Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

**Nays—0**

**Excused—2**

Smith, V.                      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 not concurred in, 2/3 of the members serving not voting therefor.

Senator Hammerstrom 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," (MCL 600.101 to 600.9948) by adding chapter 50B.

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. 4937, entitled**

A bill to provide for the regulation of contracts between persons publicly performing or broadcasting copyrighted nondramatic musical works under certain circumstances; to provide for recognition of certain agents and employees of performing rights societies; to impose certain fees; to provide for certain powers and duties for certain state agencies and departments; and to prescribe penalties and provide remedies.

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. 842**

**Yeas—35**

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

**Nays—1**

Jaye

**Excused—2**

Smith, V.

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. 5778, entitled**

A bill to amend 1991 PA 190, entitled “An act to provide for the direct deposit of state employee payrolls, state university payments, and state retirement benefit payments into financial institutions; to allow any financial institution to participate in a state employee payroll deduction program; and to prescribe the powers and duties of certain state agencies and officials,” by amending sections 2, 3, and 5 (MCL 487.2102, 487.2103, and 487.2105), section 5 as added by 1993 PA 100.

The question being on the passage of the bill,

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

**Roll Call No. 843**

**Yeas—36**

Bennett

Emmons

Koivisto

Schuette

Bullard

Gast

Leland

Schwarz

Byrum

Goschka

McCotter

Shugars

Cherry

Gougeon

McManus

Sikkema

DeBeaussiaert

Hammerstrom

Miller

Smith, A.

DeGrow

Hart

Murphy

Steil

Dingell

Hoffman

North

Stille

Dunaskiss

Jaye

Peters

Van Regenmorter

Emerson

Johnson

Rogers

Young

**Nays—0**

**Excused—2**

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: President









**Roll Call No. 847****Yeas—36**

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

**Nays—0****Excused—2**

Smith, V.

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 codify the laws relating to savings banks; to provide for incorporation, regulation, supervision, and internal administration of savings banks; to prescribe the rights, powers, and immunities of savings banks; to prescribe the powers and duties of certain state agencies and officials; to provide for remedies; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5908, entitled**

A bill to amend 1996 PA 354, entitled “Savings bank act,” by amending sections 209, 210, 213, and 214 (MCL 487.3209, 487.3210, 487.3213, and 487.3214).

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. 848****Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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 codify the laws relating to savings banks; to provide for incorporation, regulation, supervision, and internal administration of savings banks; to prescribe the rights, powers, and immunities of savings banks; to prescribe the powers and duties of certain state agencies and officials; to provide for remedies; and to prescribe penalties.”

The Senate agreed to the full title.

Senator A. Smith moved that consideration of the following bill be postponed temporarily:

**House Bill No. 5909**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4378, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1531 (MCL 380.1531), as amended by 1995 PA 289.

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. 849**

**Yeas—36**

Bennett

Emmons

Koivisto

Schuette

Bullard

Gast

Leland

Schwarz

Byrum

Goschka

McCotter

Shugars

Cherry

Gougeon

McManus

Sikkema

DeBeaussaert

Hammerstrom

Miller

Smith, A.

DeGrow

Hart

Murphy

Steil

Dingell

Hoffman

North

Stille

Dunaskiss

Jaye

Peters

Van Regenmorter

Emerson

Johnson

Rogers

Young

**Nays—0**

**Excused—2**

Smith, V.

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5736, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21787.

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. 850**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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 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. 5760, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 20178.

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. 851**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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 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. 5761, entitled**

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” (MCL 400.701 to 400.737) by adding section 26b.

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. 852**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith, V.

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 provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5237, entitled**

A bill to amend 1985 PA 148, entitled “Self-service storage facility act,” by amending the title and sections 3, 4, and 5 (MCL 570.523, 570.524, and 570.525).

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. 853****Yeas—29**

Bennett	Gast	Koivisto	Schuette
Bullard	Goschka	Leland	Schwarz
Byrum	Gougeon	McCotter	Shugars
DeGrow	Hammerstrom	McManus	Sikkema
Dingell	Hoffman	Murphy	Steil
Dunaskiss	Jaye	North	Stille
Emerson	Johnson	Rogers	Van Regenmorter
Emmons			

**Nays—7**

Cherry	Hart	Peters	Young
DeBeaussaert	Miller	Smith, A.	

**Excused—2**

Smith, V.	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 not concurred in, 2/3 of the members serving not voting therefor.

Senator Rogers 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 a lien on personal property stored at a self-service storage facility in favor of the owner of the facility; and to provide for enforcement.”.

The Senate agreed to the full title.

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

**House Bill No. 5909, entitled**

A bill to amend 1996 PA 354, entitled “Savings bank act,” by amending sections 303, 307, 313, 314, 316, 317, 321, 322, 324, 325, 326, 327, 328, 334, 335, 336, 401, 409, 412, 413, 417, 422, 428, 430, 432, 501, 508, 701, 703, 705, 706, 708, 709, 710, 711, 712, 713, 715, and 804 (MCL 487.3303, 487.3307, 487.3313, 487.3314, 487.3316, 487.3317, 487.3321, 487.3322, 487.3324, 487.3325, 487.3326, 487.3327, 487.3328, 487.3334, 487.3335, 487.3336, 487.3401, 487.3409, 487.3412, 487.3413, 487.3417, 487.3422, 487.3428, 487.3430, 487.3432, 487.3501, 487.3508, 487.3701, 487.3703, 487.3705, 487.3706, 487.3708, 487.3709, 487.3710, 487.3711, 487.3712, 487.3713, 487.3715, and 487.3804), section 401 as amended by 1996 PA 422, section 422 as amended by 2000 PA 63, and section 508 as amended by 1997 PA 50, and by adding sections 330a, 711a, and 712a; and to repeal acts and parts of acts.

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. 854****Yeas—36**

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars



**Excused—2**

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: President

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.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that the Committee on Government Operations be discharged from further consideration of the following bill:

**House Bill No. 6003, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 93 and 133 (MCL 168.93 and 168.133), as amended by 1996 PA 583.

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

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

**House Bill No. 5962, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1301 (MCL 600.1301).

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

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

**House Bill No. 5639, entitled**

A bill to amend 1919 PA 339, entitled “Dog law of 1919,” by amending sections 6, 8, 9, and 14 (MCL 287.266, 287.268, 287.269, and 287.274), as amended by 1998 PA 390.

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

Senator Rogers moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on their immediate passage:

**House Bill No. 6003**

**House Bill No. 5962**

**House Bill No. 5639**

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

Senator Rogers moved that the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs be discharged from further consideration of the following bill:

**House Bill No. 4766, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending the title and section 3 (MCL 408.383).

On which motion Senator Emerson requested the yeas and nays.

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

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

**Roll Call No. 856**

**Yeas—23**

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

**Nays—13**

Byrum	Emerson	Leland	Peters
Cherry	Hart	Miller	Smith, A.
DeBeaussaert	Koivisto	Murphy	Young
Dingell			

**Excused—2**

Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: President

The bill was placed on the order of General Orders.

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

**House Bill No. 4766**

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

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

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

**House Bill No. 4766, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending the title and section 3 (MCL 408.383).

The above bill was read a third time.

The question being on the passage of the bill,

Senator Dunaskiss offered the following substitute:

Substitute (S-7).

The question being on the adoption of the substitute,

Senator Dunaskiss offered the following amendment to the substitute:

1. Amend page 2, following line 21, by inserting:

"(4) SUBSECTION (2) SHALL NOT LIMIT, RESTRICT, OR EXPAND A PREVAILING WAGE REQUIRED UNDER 1965 PA 166, MCL 408.551 TO 408.558."

The amendment to the substitute was adopted.

Senator Cherry offered the following amendment to the substitute:

1. Amend page 2, following line 21, by inserting:

"(5) SUBSECTION (2) SHALL NOT LIMIT A LOCAL PREVAILING WAGE REQUIREMENT. AS USED IN THIS SECTION:

(A) "LOCAL PREVAILING WAGE REQUIREMENT" MEANS AN ORDINANCE, RULE, RESOLUTION, OR REGULATION ADOPTED BY A LOCAL UNIT OF GOVERNMENT OR AN EXPRESS PROVISION IN A CONTRACT EXECUTED BETWEEN A LOCAL UNIT OF GOVERNMENT AND A CONTRACTOR FOR A PROJECT THAT REQUIRES OR INVOLVES THE EMPLOYMENT OF 1 OR MORE CONSTRUCTION MECHANICS, OTHER THAN THOSE SUBJECT TO THE JURISDICTION OF THE STATE CIVIL SERVICE COMMISSION, WHICH ORDINANCE, RULE, RESOLUTION, REGULATION, OR CONTRACT PROVISION STATES THAT THE RATES OF WAGES AND FRINGE BENEFITS TO BE PAID TO EACH CLASS OF CONSTRUCTION MECHANIC BY A CONTRACTOR AND ALL SUBCONTRACTORS, SHALL BE NOT LESS THAN THE WAGE AND FRINGE BENEFIT RATES PREVAILING IN THE LOCALITY IN WHICH THE WORK IS TO BE PERFORMED.

(B) "CONSTRUCTION MECHANIC" MEANS A SKILLED OR UNSKILLED MECHANIC, LABORER, WORKER, HELPER, ASSISTANT, OR APPRENTICE WORKING ON A PROJECT FUNDED IN WHOLE OR IN PART BY A LOCAL UNIT OF GOVERNMENT. CONSTRUCTION MECHANIC DOES NOT INCLUDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OFFICE, OR CUSTODIAL EMPLOYEES."

The question being on the adoption of the amendment,

Senator Cherry requested the yeas and nays.

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

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

**Roll Call No. 857**

**Yeas—17**

Byrum	Goschka	Koivisto	Peters
Cherry	Hammerstrom	Leland	Schwarz
DeBeaussaert	Hart	Miller	Smith, A.
Dingell	Hoffman	Murphy	Young
Emerson			

**Nays—19**

Bennett	Gast	McManus	Sikkema
Bullard	Gougeon	North	Steil
DeGrow	Jaye	Rogers	Stille
Dunaskiss	Johnson	Schuette	Van Regenmorter
Emmons	McCotter	Shugars	



**Nays—16**

Byrum	Emerson	Leland	Peters
Cherry	Hart	McCotter	Schwarz
DeBeaussaert	Hoffman	Miller	Smith, A.
Dingell	Koivisto	Murphy	Young

**Excused—2**

Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: President

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

“An act to fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for the administration and enforcement of this act; and to prescribe penalties for the violation of this act.”.

The Senate agreed to the full title.

**Protests**

Senators Dingell, McCotter, Schwarz, A. Smith and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4766.

Senators Dingell, A. Smith and Cherry moved that the statements they made during the discussion of the amendments and the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Dingell’s statement is as follows:

The Legislative Service Bureau to my understanding has put out two memos now that say precisely the opposite thing. We have one that has been handed out that says that prevailing wage won’t be interfered with. While over in the House, they’ve distributed a memo that said precisely the opposite thing. It’s my view that the substitute we have in front of us, without the Cherry amendment, would likely prohibit enforcement of the Michigan prevailing wage act as well as local prevailing wage ordinances by local units of government.

The operative language provides that a local unit of government shall not enact, maintain, or enforce by charter, ordinance, contract regulation, rule, or resolution either directly or indirectly a minimum wage rate that’s greater than the applicable rate prescribed in this act. This language is exceptionally broad. It does not limit the meaning of minimum wage rate. It is not limited simply to actions of local government in enacting laws. It covers all conceivable local government actions whereby a local unit of government may enact, maintain, or enforce directly or indirectly a minimum wage rate because of the clear and expressed purposes of prevailing wage laws are to require a minimum wage rate for each specified type of work in a given locality—the plain language of the bill. If the prevailing wage amendment is removed and not put back in, it would clearly prohibit a local unit of government of enacting, maintaining, or enforcing any minimum wage rate that would otherwise be required under the Michigan prevailing wage act or local prevailing wage ordinance.

Further, the bill contains a specific exemption from minimum wage rates for employees of local government units pursuant to collective bargaining agreements or other means. Because of that, there would be a strong inference that no other exemptions, including prevailing wage exemptions, were intended. This would follow from the standard, well-established rules of statutory construction.

In short, without the prevailing wage amendment that John Cherry is offering—I express in the Cherry amendment it’s likely that local units of government would not only be prohibited from enacting, maintaining, or enforcing its own prevailing wage ordinance, but would also be prohibited from enforcing the Michigan prevailing wage act when it would otherwise be applicable to a given project. Therefore, I am in support of the Cherry amendment, and I would recommend it to my colleagues.

Senator McCotter's statement is as follows:

Again, I'd like to stress that I was very happy to vote for the sub in the sense that it equated prevailing wage with living wage, which I think is the proper way to proceed—what you've done with your hair, Mr. Speaker—hopefully, the House can correct the version that we've sent over by including all communities within this.

In short, I want everyone to know my vote was based on the fact that this did not go far enough to handle this urgent problem.

Senator Schwarz's statement is as follows:

I voted "no" on this bill not because I am in favor of the living wage concept—I am not. I voted "no" on this because there was not adequate protection clearly stated in this bill for local prevailing wage ordinances. Had the Cherry amendment been adopted, I would have been happy to vote "yes" on this bill.

Senator A. Smith's first statement is as follows:

I rise to support my colleague from the 28th District in opposition to this bill. While the legislation grandfathers in the existing municipalities that have living wage regulations, it doesn't cure the bill itself by grandfathering them because it prohibits local units of government from acting on behalf of their citizens and looking out for the best interests of those who are generally employed in minimum wage capacities. It's a minimum wage that does not meet a living wage standard that keeps people at a poverty level.

This is all sponsored by a party that says it supports local control and market-force management. Local control is exactly what the living wage ordinances exhibit. It is a municipality standing in place of and saying that for the benefit of employees in our township or our city, we choose to create a wage that says that if they are paid over a full year, they will at least get a poverty level of payment. Local control on all of these existing communities said that, in the case of Detroit, they wanted a living wage, and in the case of the other municipalities, 50 percent of which are in my district, the people who put those living wage ordinances in effect were re-elected with a large majority by the people in their district. They were not upset. Businesses, on the other hand, argue it would be too difficult for them to deal with differing wage standards.

Everybody deals with differing wage standards. In the private sector, if you go from McDonald's in the U.P. to the McDonald's in Ann Arbor, the wage standard is different, and it's different because of the economy and the economics of the county in which those places find themselves doing business. So I think that's a spurious argument about how we deal with contracts. The individuals look at the wage that is required and bid accordingly. Ypsilanti Township and the city of Ypsilanti have not found a dearth of people bidding on contracts that they are letting for public works. As a matter of fact, Ypsilanti Township had the largest number of bidders on its most recent contract than it had ever had before. So the market-forced depression that business argues is really not a good reason for turning down a municipal opportunity to do something that benefits its residences.

I would hate to suggest that moving this bill after the election and rapidly at the end of session could possibly have anything to do with retaliation for "Let Local Votes Count," but it certainly looks like it could. I urge my colleagues to defeat the bill.

Senator A. Smith's second statement is as follows:

Until the state stops meddling in local control, what we do see is that local units of government are very creative about how they deal with nonprofits under their ordinances. The city of Ypsilanti has exempted nonprofits from the requirement of the living wage. So, you know, if you give local units of government the opportunity, they are responsible to their citizens, and they are responsible to their nonprofits that look out for their citizens.

What we're doing here is taking away local control. It's plain and simple. We don't have the confidence in those people who are elected most closely by the citizens of their district and who have to meet them every day in the grocery store and listen to them complain about what they might have done at the board meeting the night before. These are people who are extraordinarily sensitive to local problems and who have come up with solutions in their local districts. To preclude their ability to look out for the citizens who live under their auspices and who pay their taxes, to look out for them and say to businesses that come in and do business with the cities or the townships, the least you have to do is pay minimum wage, is wrong. I urge you to oppose this bill.

Senator Cherry's statement is as follows:

I rise in opposition to House Bill No. 4766 as we have substituted it here on the Senate floor. In the past, a number of communities throughout Michigan have adopted local ordinances establishing a living wage, establishing a prevailing wage, and if we adopt this legislation, they are going to be precluded from doing that in the future.

It seems to me, Mr. President, that at some point we have to entrust ourselves to the democratic process, and that is very much allowing local units of government to determine through public vote what is appropriate in their community and what's not appropriate. We will have legislation in the future and we have had legislation recently here on the Senate floor that has extolled the need to allow local units of government to assert the concerns of their citizens through local ordinances. Most recently, we had an adult entertainment package that asserted exactly that.



I think we should continue to allow local municipalities to impact the terms and conditions of employment in their area, and sometimes, Mr. President, it is more healthy to do it locally because, in fact, the ordinance can more accurately reflect the circumstances of that community than what any general state statute can do. For instance, in the case of prevailing wage, we have a state statute, but we hear all the time about how inappropriate that statute might be as it relates to a local community. Well, in this instance, this local community can make determinations on how prevailing wage ought to operate in their community. This bill now would preclude a municipality from doing that. Mr. President, it seems to me that again we are all better served if our local communities can, through a democratic process, establish regulations in this area, and I would urge we defeat this bill so that they can continue to, where appropriate, put these ordinances in place. I, for one, trust their judgment. It seems to me that we ought to feel comfortable as a body with these democratically elected local officials.

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 supported the substitute for the same reason many of my colleagues did. We are dealing with the living wage and prevailing wage, which, to my mind, however well-intended, are simply artificial government constructs to redistribute taxpayers' money to favorite interest groups, mainly labor. To do something with the living wage and not the prevailing wage makes absolutely no sense if you start from that philosophical construct. If you look at the living wage currently, I believe the living wage is a poor tax. It taxes the nonprofits, especially those that try to provide human services to poor people who need them. Every dollar that is artificially redistributed to favored groups that is taken from those people hurts those people. And I deeply believe that.

The problem I have with this bill is that perhaps nobody else particularly cares about the city of Detroit. I do. I have always worked on the assumption that when the city of Detroit had social problems, those problems affected all of southeastern Michigan, especially my district which borders Detroit. For us to abolish a living wage or preempt it, for us to deal with the prevailing wage and to exclude the city of Detroit and other cities, seems to me that we ourselves are turning our backs on those poor people who are being cheated out of the help they need by these ordinances. So while I agree with the philosophical premises of this substitute, I cannot in good conscience support it in practical application.

And as for the vote issue, I will say that as we've seen before, powerful special interest groups with special ballot proposals are basically fighting an unfair war. One of the least represented groups of people in our society today who have the least voice are people who live in poverty. For the power of the unions to go against the poor and pass a living wage ordinance and claim it was the voice of the people is not accurate because there was the opposition coming from in places like the city of Detroit.

As I said before on local control issues, especially in the area of residency, local control does not trump individual liberty, nor should it trump acts of charity that are vitally needed. Now to get my support on this bill, it should've been statewide. That would include all communities because what we are facing now is hurting poor people in certain areas. It maybe doesn't affect you, but I think that if it affects them, it affects every one of us.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator Rogers moved that rule 3.203 be suspended and that the following bill, now on the order of Introduction and Referral of Bills, be placed on the order of Third Reading of Bills for its immediate passage:

#### **House Bill No. 6177, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 319, 320a, 625, 625m, 732, and 904d (MCL 257.303, 257.319, 257.320a, 257.625, 257.625m, 257.732, and 257.904d), sections 303 and 732 as amended by 1999 PA 73, section 319 as amended by 2000 PA 152, section 320a as amended by 1999 PA 40, section 625 as amended by 2000 PA 77, section 625m as amended by 1998 PA 347, and section 904d as amended by 1999 PA 267.

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

Senator Rogers moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on their immediate passage:

**House Bill No. 4392**

**House Bill No. 5549**

**House Bill No. 4778**

**House Bill No. 5689**

**House Bill No. 6015**

**House Bill No. 6147**  
**House Bill No. 4373**  
**House Bill No. 4812**  
**House Bill No. 4852**  
**House Bill No. 6115**  
**House Bill No. 4332**  
**House Bill No. 5332**  
**House Bill No. 5333**  
**House Bill No. 5334**  
**House Bill No. 5336**  
**House Bill No. 5343**  
**House Bill No. 5763**  
**House Bill No. 4828**  
**House Bill No. 6064**  
**House Bill No. 6063**  
**House Bill No. 5812**  
**House Bill No. 6139**  
**House Bill No. 6016**  
**House Bill No. 6017**  
**House Bill No. 5586**  
**House Bill No. 5967**

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 4392, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 682b.

The above bill was read a third time.

The question being on the adoption of the following committee amendments:

1. Amend page 1, line 1, after "SECTION," by striking out the balance of the subsection and inserting "AN OWNER OR OPERATOR SHALL NOT PERMIT A PERSON TO RIDE IN THE OPEN BED OF A PICKUP TRUCK ON A HIGHWAY, ROAD, OR STREET IN A CITY, VILLAGE, OR TOWNSHIP AT A SPEED GREATER THAN 15 MILES PER HOUR."

2. Amend page 1, line 5, after "OWNER" by striking out the balance of the line through "PASSENGER" on line 6 and inserting "OR OPERATOR".

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

Senator Bennett offered the following amendments:

1. Amend page 1, line 1, after "SECTION," by striking out the balance of the subsection and inserting "AN OPERATOR SHALL NOT PERMIT A PERSON LESS THAN 18 YEARS OF AGE TO RIDE IN THE OPEN BED OF A PICKUP TRUCK ON A HIGHWAY, ROAD, OR STREET IN A CITY, VILLAGE, OR TOWNSHIP AT A SPEED GREATER THAN 15 MILES PER HOUR."

2. Amend page 1, line 5, after "THE" by striking out the balance of the line through "PASSENGER" on line 6 and inserting "OPERATOR".

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

The question being on the passage of the bill,

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

**Roll Call No. 860**

**Yeas—28**

Bennett	Emerson	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	Miller	Sikkema
Cherry	Hammerstrom	Murphy	Smith, A.

DeBeaussaert  
DeGrow  
Dingell

Hart  
Hoffman  
Johnson

Peters  
Rogers  
Schuette

Steil  
Van Regenmorter  
Young

**Nays—8**

Dunaskiss  
Emmons

Gast  
Jaye

Koivisto  
McManus

North  
Stille

**Excused—2**

Smith, V.

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

The Senate agreed to the full title.

**Protests**

Senators McManus, North, Emmons, Stille and Gast, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4392.

Senator McManus' statement, in which Senators Emmons, Stille and Gast concurred, is as follows:

I voted “no” on this bill coming from a highly rural area of the state, and I note some of my fellow Senators from up North joined me in that vote. The pickup is a very common source of transportation for us stump jumpers, whether we're on the farm or in the woods or going from farm to farm and so on, and members of the family ride in the back end of that pickup. They're under instructions as to how to do it and have been doing it for years, and so I object to someone taking away my local control.

Senator North's statement, in which Senators Stille and Gast concurred, is as follows:

Well, several advocates of this legislation cited the accident that happened in Jackson County, and I would submit that if those individuals had all been belted in and been in a station wagon and pulled out in front of a dump truck like that vehicle did, the results would have been the same. So I concur with Senator McManus that it's a local decision. A lot of people up in my area have to have a pickup truck out of necessity. Maybe they heat with wood. They have to plow, and they're not able to afford a second vehicle. So that's the reason that I voted against this bill. Thank you, Mr. President.

Senator Emerson 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. 5549, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 653a.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

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

Senator Bullard offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

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

**Roll Call No. 861**

**Yeas—34**

Bennett	Emmons	McCotter	Schwarz
Bullard	Gast	McManus	Shugars
Byrum	Goschka	Miller	Sikkema
Cherry	Gougeon	Murphy	Smith, A.
DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young
Emerson	Koivisto		

**Nays—1**

Leland

**Excused—3**

Hart

Smith, V.

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

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

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and

highways; to create certain funds and grant programs; to provide for the appropriation of money for certain grant programs; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

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

The following bill was read a third time:

**House Bill No. 4778, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 309, 310e, 312, 312b, 323b, and 811 (MCL 257.309, 257.310e, 257.312, 257.312b, 257.323b, and 257.811), section 309 as amended by 1996 PA 551, section 310e as amended by 1999 PA 40, section 312b as amended by 1996 PA 345, and section 811 as amended by 1996 PA 387.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

**Roll Call No. 862**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Smith, V.	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.

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

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for

the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds and grant programs; to provide for the appropriation of money for certain grant programs; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 309, 310e, 312, 312b, 323b, 806, and 811 (MCL 257.309, 257.310e, 257.312, 257.312b, 257.323b, 257.806, and 257.811), section 309 as amended by 1996 PA 551, section 310e as amended by 1999 PA 40, section 312b as amended by 1996 PA 345, section 806 as amended by 1995 PA 267, and section 811 as amended by 1996 PA 387.

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. 5689, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20162 and 21799b (MCL 333.20162 and 333.21799b) and by adding sections 21332 and 21716.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

Senator Shugars offered the following amendments to the substitute:

1. Amend page 1, line 1, after "21325." by striking out "NOTWITHSTANDING SECTION 20106(3)," and inserting "(1)".

2. Amend page 1, line 2, after "RECEIVING" by striking out the balance of the line through "LICENSE" on line 3 and inserting "CARE IN THE FACILITY IN ADDITION TO THE ROOM, BOARD, AND SUPERVISED PERSONAL CARE SPECIFIED IN SECTION 20106(3), AS DETERMINED BY A PHYSICIAN".

3. Amend page 1, line 6, after "(A)" by inserting "THE RESIDENT,".

4. Amend page 1, line 6, after "FAMILY" by inserting a comma and "THE RESIDENT'S PHYSICIAN,"

5. Amend page 2, line 1, after the first "THE" by striking out "RESIDENT'S FAMILY AND THE".

6. Amend page 2, line 2, after "AGED" by striking out the balance of the subdivision and inserting "COMMIT TO ASSURING THAT THE RESIDENT RECEIVES THE NECESSARY ADDITIONAL SERVICES.".

The amendments to the substitute were adopted.

The question being on the adoption of the substitute, as amended,

Senator Van Regenmorter moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

**House Bill No. 6015, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 279.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

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

Senator Van Regenmorter offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

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

**Roll Call No. 863**

**Yeas—34**

Bennett  
Bullard  
Byrum

Emmons  
Gast  
Goschka

McCotter  
McManus  
Miller

Schwarz  
Shugars  
Sikkema

Cherry	Gougeon	Murphy	Smith, A.
DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young
Emerson	Koivisto		

**Nays—1**

Leland

**Excused—3**

Hart

Smith, V.

Vaughn

**Not Voting—0**

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, 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.

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

**House Bill No. 5689, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20162 and 21799b (MCL 333.20162 and 333.21799b) and by adding sections 21332 and 21716.

(This bill was read a third time earlier today, amendments adopted, and consideration postponed. See p. 2180.)

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 2, following line 17, by inserting:

“SEC. 21734. (1) NOTWITHSTANDING SECTION 20201(2)(I), A NURSING HOME SHALL GIVE EACH RESIDENT WHO USES A HOSPITAL-TYPE BED OR THE RESIDENT’S LEGAL GUARDIAN, PATIENT ADVOCATE, OR OTHER LEGAL REPRESENTATIVE THE OPTION OF HAVING BED RAILS. A NURSING HOME SHALL OFFER THE OPTION TO NEW RESIDENTS UPON ADMISSION AND TO OTHER RESIDENTS UPON REQUEST. UPON RECEIPT OF A REQUEST FOR BED RAILS, THE NURSING HOME SHALL INFORM

THE RESIDENT OR THE RESIDENT'S LEGAL GUARDIAN, PATIENT ADVOCATE, OR OTHER LEGAL REPRESENTATIVE OF ALTERNATIVES TO AND THE RISKS INVOLVED IN USING BED RAILS. A RESIDENT OR THE RESIDENT'S LEGAL GUARDIAN, PATIENT ADVOCATE, OR OTHER LEGAL REPRESENTATIVE HAS THE RIGHT TO REQUEST AND CONSENT TO BED RAILS FOR THE RESIDENT. A NURSING HOME SHALL PROVIDE BED RAILS TO A RESIDENT ONLY UPON RECEIPT OF A SIGNED CONSENT FORM AUTHORIZING BED RAIL USE AND A WRITTEN ORDER FROM THE RESIDENT'S ATTENDING PHYSICIAN THAT CONTAINS STATEMENTS AND DETERMINATIONS REGARDING MEDICAL SYMPTOMS AND THAT SPECIFIES THE CIRCUMSTANCES UNDER WHICH BED RAILS ARE TO BE USED. FOR PURPOSES OF THIS SUBSECTION, "MEDICAL SYMPTOMS" INCLUDES THE FOLLOWING:

(A) A CONCERN FOR THE PHYSICAL SAFETY OF THE RESIDENT.

(B) PHYSICAL OR PSYCHOLOGICAL NEED EXPRESSED BY A RESIDENT. A RESIDENT'S FEAR OF FALLING MAY BE THE BASIS OF A MEDICAL SYMPTOM.

(2) A NURSING HOME THAT PROVIDES BED RAILS UNDER SUBSECTION (1) SHALL DO ALL OF THE FOLLOWING:

(A) DOCUMENT THAT THE REQUIREMENTS OF SUBSECTION (1) HAVE BEEN MET.

(B) MONITOR THE RESIDENT'S USE OF THE BED RAILS.

(C) IN CONSULTATION WITH THE RESIDENT, RESIDENT'S FAMILY, RESIDENT'S ATTENDING PHYSICIAN, AND INDIVIDUAL WHO CONSENTED TO THE BED RAILS, PERIODICALLY REEVALUATE THE RESIDENT'S NEED FOR THE BED RAILS.

(3) THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES SHALL DEVELOP CLEAR AND UNIFORM GUIDELINES TO BE USED IN DETERMINING WHAT CONSTITUTES EACH OF THE FOLLOWING:

(A) ACCEPTABLE BED RAILS FOR USE IN A NURSING HOME IN THIS STATE. THE DEPARTMENT SHALL CONSIDER THE RECOMMENDATIONS OF THE HOSPITAL BED SAFETY WORK GROUP ESTABLISHED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION, IF THOSE ARE AVAILABLE, IN DETERMINING WHAT CONSTITUTES AN ACCEPTABLE BED RAIL.

(B) PROPER MAINTENANCE OF BED RAILS.

(C) PROPERLY FITTED MATTRESSES.

(D) OTHER HAZARDS CREATED BY IMPROPERLY POSITIONED BED RAILS, MATTRESSES, OR BEDS.

(4) THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES SHALL DEVELOP THE GUIDELINES UNDER SUBSECTION (3) IN CONSULTATION WITH THE LONG TERM CARE WORK GROUP. AN INDIVIDUAL REPRESENTING MANUFACTURERS OF BED RAILS, 2 RESIDENTS OR FAMILY MEMBERS, AND AN INDIVIDUAL WITH EXPERTISE IN BED RAIL INSTALLATION AND USE SHALL BE ADDED TO THE LONG TERM CARE WORK GROUP FOR PURPOSES OF THIS SUBSECTION. THE DEPARTMENT SHALL CONSIDER AS PART OF ITS REPORT TO THE LEGISLATURE THE RECOMMENDATIONS OF THE HOSPITAL BED SAFETY WORK GROUP ESTABLISHED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION, IF THOSE RECOMMENDATIONS ARE AVAILABLE AT THE TIME OF THE SUBMISSION OF THE REPORT. NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES SHALL SUBMIT ITS REPORT TO THE LEGISLATURE. THE DEPARTMENT MAY DELAY SUBMISSION OF ITS REPORT BY UP TO 3 MONTHS SO THAT ITS REPORT MAY REFLECT THE RECOMMENDATIONS OF THE HOSPITAL BED SAFETY WORK GROUP ESTABLISHED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

(5) A NURSING HOME THAT COMPLIES WITH SUBSECTIONS (1) AND (2) AND THE GUIDELINES DEVELOPED UNDER THIS SECTION IN PROVIDING BED RAILS TO A RESIDENT IS NOT SUBJECT TO ADMINISTRATIVE PENALTIES IMPOSED BY THE DEPARTMENT BASED SOLELY ON PROVIDING THE BED RAILS. NOTHING IN THIS SUBSECTION PRECLUDES THE DEPARTMENT FROM CITING SPECIFIC STATE OR FEDERAL DEFICIENCIES FOR IMPROPERLY MAINTAINED BED RAILS, IMPROPERLY FITTED MATTRESSES, OR OTHER HAZARDS CREATED BY IMPROPERLY POSITIONED BED RAILS, MATTRESSES, OR BEDS.

(6) THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES SHALL CONSULT WITH REPRESENTATIVES OF THE NURSING HOME INDUSTRY TO EXPEDITIOUSLY DEVELOP INTERIM GUIDELINES ON BED RAIL USAGE THAT ARE TO BE USED UNTIL THE DEPARTMENT DEVELOPS THE GUIDELINES REQUIRED UNDER SUBSECTION (4)."

The amendment to the substitute was adopted.

The question being on the adoption of the committee substitute, as amended,

Senator Rogers moved that further consideration of the bill be postponed temporarily.

The motion prevailed.



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

The motion prevailed.

Senator Shugars' statement is as follows:

I rise in support of the Van Regenmorter amendment. I also want to thank not only Senator Van Regenmorter on this, but also the sponsor of the bill, Representative Richardville, and then also Representative Wayne Kuipers for putting everything together and working with the department, and all the staff that worked on this also. This is a very important issue, and I think a number of things that are happening not only in nursing homes, but with patients who are in hospice at home with bed rails and the understanding how important they are, but also how dangerous they may be if individuals are not being watched by either employees or loved ones. I think the awareness of bed rails is very important, and I think this amendment accomplishes that objective.

I also want to mention to my colleagues that the original portion of this bill includes that when the nursing home is having difficulties with quality of care and compliance problems, the Department of Consumer and Industry Services can come in and appoint a temporary manager or managers and advisors to help the nursing home to get back into compliance. What the intent of all this is to try to, as a last measure, prevent the nursing home from closing down. So what we are trying to do is set that so that the last stages are to close the nursing home down. Finally there's language that the Senate put in to make it the last resort of the department to close the nursing home, and then also influenza vaccinations are also required in accordance to the most recent recommendations of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention. So I urge my colleagues to vote for the amendment but also for the bill.

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

**House Bill No. 6147**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4373, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2, 8, 9f, 14, and 34c (MCL 211.2, 211.8, 211.9f, 211.14, and 211.34c), section 2 as amended by 1993 PA 313, section 8 as amended by 1983 PA 254, section 9f as amended by 1999 PA 20, and section 34c as amended by 1996 PA 476.

The question being on the passage of the bill,

Senator Emmons offered the following amendments:

1. Amend page 2, line 3, after "DECEMBER 31," by striking out "2001" and inserting "2002".
2. Amend page 2, line 7, after "PROPERTY." by inserting "HOWEVER, BUILDINGS AND IMPROVEMENTS LOCATED ON LEASED REAL PROPERTY SHALL NOT BE TREATED AS REAL PROPERTY UNLESS THEY WOULD BE TREATED AS REAL PROPERTY IF THEY WERE LOCATED ON REAL PROPERTY OWNED BY THE TAXPAYER."
3. Amend page 4, line 4, after "JANUARY 1," by striking out "2002" and inserting "2003".
4. Amend page 4, line 8, after "DECEMBER 31," by striking out "2001" and inserting "2002".
5. Amend page 6, line 11, after "JANUARY 1," by striking out "2002" and inserting "2003".
6. Amend page 6, line 23, after "DECEMBER 31," by striking out "2001" and inserting "2002".
7. Amend page 13, line 23, by striking out "2002" and inserting "2003".
8. Amend page 14, line 13, after "DECEMBER 31," by striking out "2001" and inserting "2002".
9. Amend page 21, line 26, after "JANUARY 1," by striking out "2002" and inserting "2003".
10. Amend page 22, line 6, after "DECEMBER 31," by striking out "2001" and inserting "2002".

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

The question being on the passage of the bill,

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

**Roll Call No. 864**

**Yeas—33**

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Shugars
Byrum	Gougeon	Miller	Sikkema
Cherry	Hammerstrom	Murphy	Smith, A.

DeBeaussaert	Hoffman	North	Steil
DeGrow	Johnson	Peters	Stille
Dingell	Koivisto	Rogers	Van Regenmorter
Emerson	Leland	Schuette	Young
Emmons			

**Nays—2**

Dunaskiss	Jaye
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**Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

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

The motion prevailed.

Senator Schuette’s statement is as follows:

I rise in support of House Bill No. 4373 as amended by the chairman of the Finance Committee, Senator Emmons. I appreciate her work on this, in particular this issue of personal property, real property, and how it is valued, taxed, and depreciated which will be a huge issue in the years ahead in this Legislature. In particular, I have very specific concerns about a co-generation facility in the city of Midland which was put together in the late '80s between Consumers Power and a number of other companies to rescue a failed nuclear plant, and at a time in our state when we need more energy, MCV provides a lot of steam and a lot of energy and a lot of jobs for the state of Michigan. How they classify and tax the issue of a turbine inside a building is of a big concern because of a case before the tax tribunal right now. Through the efforts of Senator Emmons and others there is a two-year period of time before this bill comes into effect. During that point of time we certainly hope that the tax tribunal makes a decision on this case one way or the other. Now in the in between whether it’s the co-generation facility in Michigan, concerns that other companies might have, communities, county treasurers, or what have you, I felt it was important that the community of Midland that I represent, giving this tax case, that no one had advantage, whether it was the company MCV or the city of Midland wanting to make sure that the constituents I represent were treated fairly. This amendment achieves that on this specific issue of the tax tribunal case and the broader issue of how you tax and value property—leased property, personal property, and the depreciation. That is a big issue for this state and the House and the Senate in the years to come. I would put a little flag up here that this is an issue that we will visit again, and frankly, in January, we will have to commence to visit it soon.

The following bill was read a third time:

**House Bill No. 4812, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 268.

The question being on the passage of the bill,

Senator Emmons offered the following substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

**Roll Call No. 865**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

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

"An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4852, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

**Roll Call No. 866****Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0****Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6115, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 43 (MCL 421.43), as amended by 1996 PA 145.

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. 867****Yeas—28**

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
Byrum	Hammerstrom	Miller	Sikkema
DeGrow	Hoffman	Murphy	Steil
Dunaskiss	Jaye	North	Stille
Emmons	Johnson	Rogers	Van Regenmorter
Gast	Koivisto	Schuette	Young

**Nays—7**Cherry  
DeBeaussaertDingell  
EmersonLeland  
Peters

Smith, A.

**Excused—3**

Hart

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: Schwarz

Senator Rogers 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 protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4332, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3010.

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

1. Amend 4, following line 7, by inserting:

“(10) AN INSURER SHALL PAY AN INSURED’S CLAIM OR SHALL PROVIDE IN WRITING TO THE INSURED WHY A CLAIM IS NOT BEING PAID OR IS NOT BEING PAID IN FULL NOT LATER THAN 30 DAYS AFTER RECEIPT OF THE REPORT UNDER SUBSECTION (1). IF AN INSURER FAILS TO MAKE PAYMENT, THE INSURED MAY COMMENCE A CIVIL ACTION FOR PAYMENT. IF THE COURT DETERMINES THAT THE INSURER WAS UNREASONABLE IN REFUSING TO PAY, THE INSURED IS ENTITLED TO RECOVER DOUBLE THE AMOUNT OF DAMAGES PLUS COSTS AND REASONABLE ATTORNEY FEES.”

The question being on the adoption of the amendment,

Senator Byrum requested the yeas and nays.

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

The question being on the adoption of the amendment,

Senator Byrum moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5332, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 1993 PA 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. 868**

**Yeas—22**

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

**Nays—13**

Byrum	Emerson	Leland	Peters
Cherry	Goschka	Miller	Smith, A.
DeBeaussiaert	Koivisto	Murphy	Young
Dingell			

**Excused—3**

Hart	Smith, V.	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.

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.

The following bill was read a third time:

**House Bill No. 5333, entitled**

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 2 (MCL 447.152), as amended by 1990 PA 304.

The question being on the passage of the bill,

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

**Roll Call No. 869**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema

Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

“An act to help stimulate the expansion of international export markets of state products and services; to provide for the creation of the Michigan export development authority and to establish its board of directors; to prescribe the powers and duties of the authority and of the board; to provide for the issuance of, and certain terms and conditions of, bonds; to exempt bonds from certain taxes; to prescribe the powers and duties of certain state officers; and to provide for the creation of certain funds and for the funding of the creation and operation of the authority.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5334, entitled**

A bill to amend 1960 PA 136, entitled “Sale of checks act,” by amending section 4 (MCL 487.904), as amended by 1990 PA 81.

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. 870**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

“An act in relation to the definition, licensing and regulating of the business of selling and issuing checks, drafts and money orders as a service or for a fee or other consideration; to permit the licensing of persons engaged in such business; to provide for the administration of this act; and to prescribe penalties.”

The Senate agreed to the full title.

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

**House Bill No. 5336**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5343, entitled**

A bill to amend 1986 PA 89, entitled “Michigan BIDCO act,” by amending section 717 (MCL 487.1717).

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. 871****Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Steil
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0****Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—1**

Stille

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 promote economic development by providing for the licensing and regulation of business and industrial development corporations; to provide penalties; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.



The following bill was read a third time:

**House Bill No. 5763, entitled**

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending the title and sections 101, 102, 103, 201, 202, 203, 204, 301, 304a, 305, 401, 402, 403, 405, 406, 409, 410, 412, 413, 414, and 417 (MCL 451.501, 451.502, 451.503, 451.601, 451.602, 451.603, 451.604, 451.701, 451.704a, 451.705, 451.801, 451.802, 451.803, 451.805, 451.806, 451.809, 451.810, 451.812, 451.813, 451.814, and 451.817), section 201 as amended by 1996 PA 349, sections 202, 203, 402, and 410 as amended by 1990 PA 150, section 304a as added and section 305 as amended by 1996 PA 529, sections 401 and 409 as amended by 1988 PA 408, and section 413 as amended by 1992 PA 207, and by adding sections 202a and 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. 872**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

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

"An act to enact the uniform securities act relating to the issuance, offer, sale or purchase of securities and commodity contracts; to prohibit fraudulent practices in relation thereto; to establish civil and criminal penalties for violations of the act and civil penalties for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers and their principals, agents, investment advisers, commodity issuers, and securities; to make uniform the law with reference thereto; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

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

**House Bill No. 4828**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 6064, entitled**

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending sections 126 and 132 (MCL 125.526 and 125.532), section 126 as amended by 1997 PA 200.

The question being on the passage of the bill,

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

**Roll Call No. 873****Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0****Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

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

“An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6063, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57i.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

**Roll Call No. 874****Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	



**Excused—3**

Hart

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: Schwarz

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

Senator Van Regenmorter offered to amend 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 section 21799b (MCL 333.21799b) and by adding sections 21325, 21332, 21716, and 21734.

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. 5812, entitled**

A bill to amend 1990 PA 271, entitled "Limousine transportation act," by amending section 7 (MCL 257.1907).

The question being on the passage of the bill,

Senator Stille offered the following amendments:

1. Amend page 1, line 4, by inserting "A LIMO CARRIER OF PASSENGERS THAT OPERATES CLASS B LIMOUSINES FOR THE PURPOSE OF PICKING UP PASSENGERS WITHIN A CITY WITH A POPULATION OF 750,000 OR MORE SHALL ALSO COMPLY WITH THE VEHICLE FOR HIRE ORDINANCE OF THAT CITY WITH RESPECT TO THOSE LIMOUSINES. HOWEVER, A LIMO CARRIER OF PASSENGERS MAY REMAIN IN THE CITY DURING A GIVEN TRIP FOR THE SOLE PURPOSE OF PICKING UP THE SAME PASSENGERS THAT THE LIMO CARRIER OF PASSENGERS ORIGINALLY BROUGHT INTO THE CITY ON THAT TRIP."

2. Amend page 2, following line 10, by striking out all of subsection (3).

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

Senator Steil offered the following amendment:

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

"(2) THE AMENDATORY ACT THAT ADDED THIS SUBSECTION TAKES EFFECT 30 DAYS AFTER A CITY WITH A POPULATION OF 750,000 OR MORE MAKES AVAILABLE BONDS FOR CLASS B LIMOUSINES. THE TOTAL NUMBER OF CLASS B LIMOUSINE BONDS SHALL BE DETERMINED BY THE CITY. HOWEVER, FOR THE FIRST 90 DAYS THE NUMBER OF BONDS TO BE MADE AVAILABLE FOR CLASS B LIMOUSINES SHALL NOT BE LESS THAN 100 OR MORE THAN 200." and renumbering the remaining subsections.

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. 876****Yeas—22**

Bennett	Goschka	Koivisto	Shugars
Bullard	Gougeon	McCotter	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schuette	Van Regenmorter
Gast	Johnson		

**Nays—13**

Byrum	Emerson	Miller	Schwarz
Cherry	Leland	Murphy	Smith, A.
DeBeaussaert	McManus	Peters	Young
Dingell			

**Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

“An act to regulate persons who transport passengers by limousine; to prescribe powers and duties for the state transportation department and certain local units of government; to impose certain fees; and to prescribe remedies and penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6139, entitled**

A bill to name a certain portion of highway I-69 the “Pearl Harbor Memorial Highway”; and to prescribe certain duties of the state transportation department.

The question being on the passage of the bill,

Senator Rogers offered the following amendment:

1. Amend page 1, line 2, after “exit” by striking out “131” and inserting “135”.

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. 877****Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille

Dingell  
Dunaskiss  
Emerson

Jaye  
Johnson  
Koivisto

Peters  
Rogers  
Schuette

Van Regenmorter  
Young

**Nays—0**

**Excused—3**

Hart

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: Schwarz

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

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

The motion prevailed.

Senator Rogers' statement is as follows:

This amendment would extend what my colleague in the House, Larry Julian, has done naming a portion of I-69 as the "Pearl Harbor Memorial Highway." What my amendment does is just extend that about four miles into Genesee County to an exit called Hammerberg Road. That exit is named after a medal of honor winner here in Michigan, who died during Pearl Harbor. And for the record I want to read just a piece of Mr. Hammerberg's great gift to this country, and what he did to deserve the medal of honor. I am just going to read this briefly, and I want this as part of the official record when we ask for this. Pretty amazing stuff.

What had happened is that after the attack on Pearl Harbor, obviously with the number of ships that went down, there were some men who got trapped underneath. One of the submarines had gone down and hit the bottom and got stuck in the muck and was slowly sinking in the muck with sailors who were trapped between that muck and the exits. On his own, this sailor got on his dive equipment and went down and tried to extract as many of those sailors as he possibly could. Over the course of several hours, 18 to be exact, he was able to extract two sailors by digging through that mud, through those holes. In trying to get them out, he saved two lives of fellow sailors. On his third trip down, he went down and as he was getting ready to rescue another individual, a steel plate collapsed because of the weight of that muck, that mire, on that submarine and trapped him. He braced his body over that sailor so they could get that sailor out, and when that was done, after 18 hours of laying in that sub, he succumbed.

It makes the hairs on the back of my neck stand up when you think about what this one individual from Michigan did for fellow sailors. It is pretty moving. I'm just going to read a part of this, Mr. President, if I may. "Venturing still farther under the buried hulk, tenaciously to his purpose, reaching the place immediately above the other man just as another cave-in occurred and a heavy piece of steel pinned him crosswise over his shipmate in a position which protected the man beneath from further injury while placing the full brunt of the terrific pressure on himself. Although he succumbed in agony 18 hours after he had gone to the aid of his fellow divers, Hammerberg by his cool judgment, unfaltering professional skill, and consistent disregard for all personal danger in the face of tremendous odds had contributed effectively to the saving of his two comrades. His heroic spirit and self-sacrifice throughout enhanced and sustained the highest traditions of the U.S. naval service. He gallantly gave his life in the service of his country."

This is a very small token that we can pay to him and his family who lived without obviously a very great and patriotic American. I would urge this body's support of this amendment.

The following bill was read a third time:

**House Bill No. 6016, entitled**

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 1998 PA 237.

The question being on the adoption of the following committee amendment:

1. Amend page 3, line 18, after "BY" by striking out "LAW" and inserting "THE LEGISLATIVE SERGEANT AT ARMS POLICE POWERS ACT".

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. 878****Yeas—28**

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McManus	Shugars
DeBeaussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Rogers	Young

**Nays—6**

Cherry	McCotter	Smith, A.	Van Regenmorter
Jaye	Murphy		

**Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—1**

Emerson

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,  
 The recommendation was concurred in, 2/3 of the members serving voting therefor.  
 Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:  
 “An act to provide for the creation of the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the reporting responsibilities of certain state and local agencies; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund; and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program.”  
 The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6017, entitled**

A bill to commission and confer certain police and arrest powers on certain sergeants at arms and assistant sergeants at arms in the legislative branch; and to prescribe certain duties and responsibilities of certain state employees.

The question being on the adoption of the following committee amendments:

1. Amend page 1, following “THE PEOPLE OF THE STATE OF MICHIGAN ENACT:” by inserting:

“Sec. 1. This act shall be known and may be cited as the “legislative sergeant at arms police powers act”.” and renumbering the remaining sections.

2. Amend page 2, following line 21, by inserting:

“(4) The commission on law enforcement standards shall grant certification to a person who is employed as the sergeant at arms or an assistant sergeant at arms of the senate on the effective date of this act who is commissioned as a police officer by the senate within 2 years after the effective date of this act.” and renumbering the remaining subsections.

3. Amend page 3, following line 4, section 2(2), after the second “arms” by striking out “provided in this act” and inserting “of the house of representatives”.

Senator Hammerstrom moved that the question be divided and that a separate vote be taken on the amendment No. 2. The motion prevailed.

The question being on the adoption of amendment Nos. 1 and 3,

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

The question being on the adoption of amendment No. 2,

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

The question being on the passage of the bill,

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

**Roll Call No. 879**

**Yeas—25**

Bennett	Goschka	Leland	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrowth	Hammerstrom	North	Steil
Dingell	Hoffman	Rogers	Stille
Dunaskiss	Johnson	Schuetz	Van Regenmorter
Emmons	Koivisto	Schwarz	Young
Gast			

**Nays—10**

Byrum	Emerson	Miller	Peters
Cherry	Jaye	Murphy	Smith, A.
DeBeaussaert	McCotter		

**Excused—3**

Hart	Smith, V.	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 of the bill.

**Protest**

Senator McCotter, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 6017.

Senator McCotter’s statement is as follows:

The vote was not a reflection on any judgment of the people who protect us here in the chambers. It was just a philosophical commitment to the expansion of the police arrest powers which I oppose at the present time.



The following bill was read a third time:

**House Bill No. 5586, entitled**

A bill to repeal 1974 PA 181, entitled “An act to provide for the testing, condemnation and disposal of livestock and livestock products; to provide for the testing of certain livestock; to provide for the quarantine of certain livestock; to prescribe the conditions of condemnation; to provide for the indemnification of owners of quarantined or disposed livestock or livestock products; to provide for recovery of the costs of testing, condemnation, disposal, and indemnification; and to prescribe the powers and duties of the department of agriculture,” (MCL 287.71 to 287.77).

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. 880**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Smith, V.	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 of the bill.

The following bill was read a third time:

**House Bill No. 5967, entitled**

A bill to amend 1965 PA 114, entitled “An act relating to dry, edible beans; to create a bean commission and prescribe its functions; to levy and collect assessments on bean production; and to provide penalties for violation of this act,” by amending sections 1, 2, 3, 4, 10, 12, 14, and 17 (MCL 290.551, 290.552, 290.553, 290.554, 290.560, 290.562, 290.564, and 290.567), sections 1, 14, and 17 as amended by 1980 PA 493 and sections 2 and 3 as amended by 1989 PA 144.

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. 881**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.

DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Smith, V.	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 of the bill.

Senator Rogers moved to reconsider the vote by which the following bill was given immediate effect:  
**House Bill No. 4392**

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

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

**House Bill No. 4778 entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 309, 310e, 312, 312b, 323b, and 811 (MCL 257.309, 257.310e, 257.312, 257.312b, 257.323b, and 257.811), section 309 as amended by 1996 PA 551, section 310e as amended by 1999 PA 40, section 312b as amended by 1996 PA 345, and section 811 as amended by 1996 PA 387.

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

The question being on the passage of the bill,

Senator Rogers moved to reconsider the vote by which the substitute was adopted.

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

The question being on the adoption of the substitute,

Senator Bullard offered the following amendments to the substitute:

1. Amend page 5, line 1, after "(6)" by inserting "BEGINNING APRIL 1, 2001,".
2. Amend page 5, line 7, after "(7)" by inserting "BEGINNING APRIL 1, 2001,".
3. Amend page 5, line 14, after "(8)" by inserting "BEGINNING APRIL 1, 2001,".
4. Amend page 14, line 4, after "(6)" by inserting "BEGINNING APRIL 1, 2001,".
5. Amend page 14, line 10, after "(7)" by inserting "BEGINNING APRIL 1, 2001,".
6. Amend page 14, line 16, after "(8)" by inserting "BEGINNING APRIL 1, 2001,".

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. 882**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.

DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Smith, V.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

The President, Lieutenant Governor Posthumus, resumed the Chair.

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

**House Bill No. 6147, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40103 (MCL 324.40103), as amended by 2000 PA 191; and to repeal acts and parts of acts.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Gast offered the following amendment:

1. Amend page 1, line 5, after "act" by inserting a comma and "AND ONLY THE LEGISLATURE MAY DESIGNATE A SPECIES AS GAME".

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

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 883**

**Yeas—19**

Bennett	Emmons	Jaye	Shugars
Cherry	Goschka	McCotter	Sikkema
DeGrow	Gougeon	McManus	Steil
Dingell	Hammerstrom	Rogers	Van Regenmorter
Dunaskiss	Hoffman	Schuette	

**Nays—15**

Bullard	Johnson	Murphy	Smith, A.
Byrum	Koivisto	North	Stille
DeBeaussaert	Leland	Peters	Young
Gast	Miller	Schwarz	

**Excused—4**

Emerson

Hart

Smith, V.

Vaughn

**Not Voting—0**

In The Chair: President

**Protests**

Senators Gast, Bullard, North, Gougeon and Stille, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 6147.

Senator Gast moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Gast’s first statement, in which Senators Bullard, North, Gougeon and Stille concurred, is as follows:

Actually, I’m offering this amendment, and I’ve been asked not to. But yes, I’m still going to do it. What’s happened here is they deleted a section of the Natural Resource and Environmental Protection Act, Act 451 of 1994, and I have a pride of authorship of that which goes back a long time. In that act, we gave certain powers to the DNR commission, and we retained certain powers as the Legislature. Among those powers that we retained as the Legislature was the right to define and identify species of game that would be under the control of the DNR commission and DNR. Now that we retained, and when this was repealed, section 40110, they striped the language out that says that only the Legislature may designate a specie as game—that was striped out.

Now opponents of this amendment say that is retained in other sections of the bill. I guess all I’m doing is saying if it is retained in the other sections of the bill, my amendment simply reads, “Amend page 1, line 5, after ‘act’ by inserting a comma ‘and only the Legislature may designate a specie as game’.” If it says it in the rest of the bill, why is it necessary, so poisonous, and not redundant to say it in just plain, simple terms, once and for all, in a matter of very few words.

So the amendment is very brief, and only the Legislature may designate a specie as game. It does not take away the right of the commission, and this in no way, in any interpretation at all, says that you’re going to shoot doves or you aren’t. We’re talking about the future identifying species of game in this amendment. I would urge my colleagues to solidify the role of the Legislature and adopt the amendment.

Senator Gast’s second statement, in which Senators Bullard, North, Gougeon and Stille concurred, is as follows:

I take a little exception to the redundancy charge that my amendment is only to scuttle the bill and all that poppycock. That’s a bunch of baloney.

Actually, if it’s in the bill now, please tell me what’s wrong with saying it again in very, simple, understandable language. There’s only about seven or eight words in that amendment, “and only the Legislature may designate a specie as game.” If it says it in there now, what’s wrong with saying it more plainly, so that even the lawyers who are interpreting this in different ways can understand it? So I think that it states the claim of the Legislature, and I would urge the adoption of the amendment.

Senator Gast’s third statement, in which Senators Bullard, North, Gougeon and Stille concurred, is as follows:

Well, I am not going to be supporting the bill, and it’s a little bit difficult because I recognize that the organizations that I belong to—MUCC, that’s a rifle association, and so on—are probably, and within my office, it’s about 50-50 of people opposed and people for the bill. So every once in awhile, as former Senator Arthur Cartwright once said, you’ve got to compromise your principles and do what’s right. So we’ve just about arrived at that plateau, I believe.

I’m concerned we don’t as a Legislature still have that authority; it was denied here by an earlier vote to pass my amendment to make sure that we have the species call in the Legislature. I think we still have it, but it’s more muddled. Let’s take a hard look at this, and let’s get kind of silly about it, really. Are robins next? After all, their breast is as big as that of a dove. Shouldn’t we think about putting robins on the list? Then what about blue jays and brown thrushes? Seagulls—hell, there are a lot of those around the Great Lakes? And then, if we shoot one of these birds, and you sort through the bloody feathers and hunt for the meat that you think you’ve got, and you’ve found it’s all shot to heck, what have you done other than take the life of a bird? Not much. Satisfied an ego, perhaps. And then you get disgusted there, and get in your SUV, and go down the highway, and look for the utility line that’s got a line of doves up on that, and blast away, and maybe cut the darn utility line. These aren’t hunters. These are something less than that.

Now I know I'm offending a lot of people, including the director of the DNR, K. L. Cool, whom I have a lot of respect for and who I've talk to on the phone. If he wants to come in my office and kick my butt for what I'm saying, he's welcome and that's alright. But I'm welcomed to my opinion too. And I'm not for a minute going to look out my office window at home at my birdfeeder, where there are six or eight or a dozen doves, and let any of you great white hunters shoot my doves. And I'm not going to shoot them either.

So I'm opposed to this bill. I don't think it's a mark of a true outdoorsman to shoot doves.

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

The motion prevailed.

Senator McCotter's statement is as follows:

I just would like to state for the record that after careful analysis of the factual basis for this determination, I just cannot determine that the mourning dove is a songbird rather than a game bird. And while it is aphorism as the Senator from Battle Creek will understand and perhaps the humble politician from Jackson would understand, Bob Dillon once had a song that said, "I heard new born babies wailing like the mourning dove." That is not an endorsement of the mourning dove as a songbird.

In addition to that, I would also like to echo the remarks of the Senator from Trenton.

Senator Dingell's statement is as follows:

If one listens to the previous speaker, you'd believe armies of hunters are going to be invading suburban backgrounds and blasting doves off backyard birdfeeders, and this is not true at all. It's a catchy word-picture that the press likes to pick up on and the Audubon Society, which really doesn't like hunting, and the Humane Society, which really doesn't like hunting and likes to portray dove hunters as doing such. It's just plain false because there's nothing in this bill that would take away cities' rights to prohibit hunting in suburban or urban areas, and also, the restrictions on hunting close to homes and other buildings.

It's interesting to note that the mourning dove is classified by the Audubon Society's books as a game bird. It's also interesting to note that John Audubon shot as many as a hundred in a day, and ate them with relish. He even wrote notes about good recipes for them.

Now there's lots of people who like to talk about how this is going to endanger dove populations in the United States. Hogwash! There are 45 million doves in Michigan at least. There are at least 450 million of the little buggers in the United States. Ninety-eight percent of the doves that exist in Michigan during most of the year migrate South. Every state south of us has a dove season. So doves here in Michigan, raised here, are going to be shot at, if not in Michigan, they will be shot at down South.

Mourning doves fly nothing like other species. It's not hard to get members of the Audubon Society to admit this. Other species may look like them, but they don't fly anything like them. Hunters, when they identify a species, they don't identify it by the look of the bird. They identify it by the flight characteristics, which are quite distinctive.

Average life span is about nine months. That's mighty short. This is an animal that breeds in incredible numbers. They'll raise as many as five sets of young in a year. The only reason that they overpopulate like mad is because of their mortality through predation as well as just dying on their own is so high. In other states that have a dove season, the number taken by hunters is not capable of being established or noticed by scientific studies of the population.

There are more mourning doves taken in the United States than any other species of bird—any other. This isn't just a game bird because of classification; it's a game bird because it is hunted so much. And does it make a difference in the population? The answer is "no." If anything, the population in states that have instituted a mourning dove season has actually gone up, not down.

I note discussion regarding the bird of peace. This is a reference to the Mediterranean turtle dove. If you want to pull out your Bibles, many of us have them on the Senate floor, you will find abundant references to the relish with which the ancient Israelites killed them and ate them, and they made animal sacrifices of them, and they did many other things with them. Mention was made of the supposed, actual small size of dove breasts. It's actually the same size of a quail, about two and half ounces. I don't know how much meat all of you eat at a sitting, but only a couple increments of two and half ounces makes a meal for me, and it does for most hunters. This is considerably larger than robins.

I would also like to talk about the hearings we held and where doves were hunted. It was interesting to hear that the hunting of doves happens in strictly very rural areas, usually in stubble fields that have been scalped, a small blind, usually of the remaining whatever it was that was harvested is left, and the hunters will crouch in that. It's a relatively easy matter to pick up the doves that are shot because they are easy to pick out.

With that I recommend the bill as passed by the House to my colleagues, and hope for your affirmative votes.

Senator Emerson entered the Senate Chamber.

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

**House Bill No. 5668, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 501 and 906 (MCL 436.1501 and 436.1906), section 501 as amended by 1998 PA 416 and section 906 as added by 1998 PA 391.

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. 884**

**Yeas—30**

Bennett	Emerson	Koivisto	Peters
Bullard	Emmons	Leland	Schwarz
Byrum	Gast	McCotter	Sikkema
Cherry	Goschka	McManus	Smith, A.
DeBeaussaert	Hammerstrom	Miller	Steil
DeGrow	Hoffman	Murphy	Stille
Dingell	Jaye	North	Young
Dunaskiss	Johnson		

**Nays—5**

Gougeon	Schuette	Shugars	Van Regenmorter
Rogers			

**Excused—3**

Hart	Smith, V.	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.

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

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 501, 903, and 906 (MCL 436.1501, 436.1903, and 436.1906), sections 501 and 903 as amended by 1998 PA 416 and section 906 as added by 1998 PA 391.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Hoffman's statement is as follows:

Since we are going to be in recess here, I just wanted to take a moment before everybody leaves the floor here to recognize one of my long-time staffers who will be leaving state service for the private sector.

One of the sad things about term limits is the fact that we are going to be breaking up good teams of people who work together. In our particular office, we are beginning to break up the team with Pete Langley's departure.

Pete Langley started in my office as a college intern, and after Pete graduated from college from Northern Michigan University, he came to work in our office. He's worked in constituent relations and has helped me in constituent relations for four years—nearly four years. He has really developed some skills that the private sector is happy and eager to get a hold of, and he was picked off. We're sad to see him go, but I guess it's kind of the beginning of the end. I will guess that probably we'll see more of these type of sad good-byes in the future. Pete, on behalf of the Senate and my colleagues, I wanted to give you this framed state seal and wish you well in your new endeavors. Pete, thank you.

### **Recess**

Senator Rogers moved that the Senate recess until 6:00 p.m.

The motion prevailed, the time being 4:55 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 Bennett moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 6:01 p.m.

6:16 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

### **Motions and Communications**

Senator DeGrow moved that rule 3.901 be suspended to allow Channel 10 to take photographs on the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Senator McCotter moved that Senator Steil be excused from the balance of today's session.

The motion prevailed.

Senator Emerson moved that Senators Leland and Murphy be temporarily excused from the balance of today's session.

The motion prevailed.

Senators Murphy and Leland entered the Senate Chamber.

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. 4828, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 2, line 11, after "INCLUDE" by striking out "EITHER" and inserting "ANY".
2. Amend page 2, following line 18, by inserting:

"(iii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREGNANCY IF THE WOMAN'S PHYSICAL CONDITION, IN A PHYSICIAN'S REASONABLE MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE WOMAN'S PREGNANCY TO AVER IMMINENT IRREPARABLE PHYSICAL HARM TO HER HEALTH IN CASES WHERE FETAL VIABILITY DOES NOT EXIST."

The question being on the adoption of the amendments,

Senator Peters requested the yeas and nays.

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

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

**Roll Call No. 885**

**Yeas—11**

Byrum	Emerson	Murphy	Smith, A.
Cherry	Johnson	Peters	Young
DeBeaussaert	Leland	Schwarz	

**Nays—22**

Bennett	Gast	McCotter	Schuette
Bullard	Goschka	McManus	Shugars
DeGrow	Gougeon	Miller	Sikkema
Dingell	Hammerstrom	North	Stille
Dunaskiss	Jaye	Rogers	Van Regenmorter
Emmons	Koivisto		

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—1**

Hoffman

In The Chair: Schwarz

Senator Hammerstrom offered the following amendment:

1. Amend page 3, following line 9, by inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) Senate Bill No. 645.
- (b) Senate Bill No. 794."

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. 886****Yeas—24**

Bennett	Gast	Johnson	Rogers
Bullard	Goschka	Koivisto	Schuette
DeGrow	Gougeon	McCotter	Shugars
Dingell	Hammerstrom	McManus	Sikkema
Dunaskiss	Hoffman	Miller	Stille
Emmons	Jaye	North	Van Regenmorter

**Nays—10**

Byrum	Emerson	Peters	Smith, A.
Cherry	Leland	Schwarz	Young
DeBeaussaert	Murphy		

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

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 provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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

**House Bill No. 4779, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 279.

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. 887****Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema

DeBeussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Hammerstrom  
Hoffman  
Jaye  
Johnson  
Koivisto

Murphy  
North  
Peters  
Rogers

Smith, A.  
Stille  
Van Regenmorter  
Young

**Nays—0**

**Excused—4**

Hart

Smith, V.

Steil

Vaughn

**Not Voting—0**

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, 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.

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

**House Bill No. 4332, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3010.

(This bill was read a third time earlier today, amendment offered, and consideration postponed. See p. 2187.)

The question being on the adoption of the amendment offered by Senator Byrum, Senator Byrum 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. 888**

**Yeas—28**

Bennett  
Bullard  
Byrum

Gast  
Goschka  
Gougeon

Koivisto  
McCotter  
McManus

Rogers  
Schuette  
Schwarz

DeBeaussaert	Hammerstrom	Miller	Shugars
DeGrow	Hoffman	Murphy	Sikkema
Dunaskiss	Jaye	North	Stille
Emmons	Johnson	Peters	Van Regenmorter

**Nays—6**

Cherry	Emerson	Smith, A.	Young
Dingell	Leland		

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5962, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1301 (MCL 600.1301).

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. 889****Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0****Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

Senator Rogers moved that the bill be given immediate effect.

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

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

“An act to revise and consolidate the 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. 6003, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 93 and 133 (MCL 168.93 and 168.133), as amended by 1996 PA 583.

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. 890****Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

Senator Rogers 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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5639, entitled**

A bill to amend 1919 PA 339, entitled “Dog law of 1919,” by amending sections 6, 8, 9, and 14 (MCL 287.266, 287.268, 287.269, and 287.274), as amended by 1998 PA 390.

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. 891**

**Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

Senator Rogers 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 relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employes, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was announced:

**House Bill No. 6177, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 303, 319, 320a, 625, 625m, 732, and 904d (MCL 257.303, 257.319, 257.320a, 257.625, 257.625m, 257.732, and 257.904d), sections 303 and 732 as amended by 1999 PA 73, section 319 as amended by 2000 PA 152, section 320a as amended by 1999 PA 40, section 625 as amended by 2000 PA 77, section 625m as amended by 1998 PA 347, and section 904d as amended by 1999 PA 267.

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.

The 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. 892**

**Yeas—33**

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson			

**Nays—1**

Leland

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

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 provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and

collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds and grant programs; to provide for the appropriation of money for certain grant programs; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

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

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

**House Bill No. 5958, entitled**

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending section 402c (MCL 550.1402c), as added by 1999 PA 228.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Dingell offered the following amendment:

1. Amend page 3, line 24, after “physician,” by inserting “CHIROPRACTIC PHYSICIAN,”.

The question being on the adoption of the amendment,

Senator Dingell 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. 893**

**Yeas—18**

Bennett	Dunaskiss	Koivisto	Peters
Byrum	Emerson	Leland	Rogers
Cherry	Goschka	McCotter	Sikkema
DeBeaussaert	Hoffman	North	Young
Dingell	Jaye		

**Nays—15**

Bullard	Gougeon	Miller	Smith, A.
DeGrow	Hammerstrom	Schuette	Stille
Emmons	Johnson	Schwarz	Van Regenmorter
Gast	McManus	Shugars	

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—1**

Murphy

In The Chair: Hoffman

### Protests

Senators Schwarz and Gougeon, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Dingell to House Bill No. 5958.

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

The motion prevailed.

Senator Schwarz’s statement, in which Senator Gougeon concurred, is as follows:

There is no intent whatsoever to slight chiropractors. They just don’t belong in this particular bill. The reason is we are protecting continuity of care for physicians who operate so that you can give your postoperative care and physicians who can prescribe medicines. Chiropractors cannot do either one. So they don’t, despite the protestations otherwise, belong in this bill. There’s no slight to chiropractors meant. This is just not a bill that chiropractors should be in because of the way the public health code is written.

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. 894

### Yeas—33

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson			

### Nays—0

### Excused—4

Hart	Smith, V.	Steil	Vaughn
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### Not Voting—1

Murphy

In The Chair: Hoffman

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

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

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

“An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of



certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5959, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2212b (MCL 500.2212b), as added by 1999 PA 230.

The question being on the passage of the bill,

Senator Dingell offered the following amendment:

- 1. Amend page 3, line 25, after “physician,” by inserting “CHIROPRACTIC PHYSICIAN,”.

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

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

The motion prevailed.

Senator Emmons offered the following amendment:

- 1. Amend page 4, following line 5, by inserting:

“Enacting section 1. Sections 1841, 1946, and 2940 of the insurance code of 1956, 1956 PA 218, MCL 500.1841, 500.1946, and 500.2940, are repealed.”.

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. 895**

**Yeas—33**

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson			

**Nays—0**

**Excused—5**

Hart	Smith, V.	Steil	Vaughn
Murphy			

**Not Voting—0**

In The Chair: Hoffman

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

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

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 2212b (MCL 500.2212b), as added by 1999 PA 230; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Murphy entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

### Conference Reports

#### House Bill No. 4335, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

(For text of conference report, see Senate Journal No. 76, p. 2056.)

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

#### Roll Call No. 896

Yeas—34

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		



**Senate Bill No. 257, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

The House of Representatives has substituted (H-7) the bill.

The House of Representatives has passed the bill as substituted (H-7), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Rogers moved that the rule be suspended.

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

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

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

**Roll Call No. 898****Yeas—32**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dunaskiss	Johnson	Peters	Van Regenmorter
Emerson	Koivisto	Rogers	Young

**Nays—2**

Dingell	Jaye
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**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

In The Chair: Hoffman

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 271, entitled**

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 1994 PA 317.

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

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 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. 342, entitled**

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

The 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. 555, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 2000 PA 329.

The House of Representatives has concurred in the Senate substitute (S-3) to the House substitute (H-1) and pursuant to Joint Rule 20, inserted the full title.

The Senate agreed to the full title.

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

**Senate Bill No. 763, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36109 (MCL 324.36109), as amended by 1996 PA 233.

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 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.

Senators Emmons, Bennett, Schuette, McCotter, Dunaskiss, Byrum, A. Smith, Peters and Jaye moved that they be named co-sponsors of the following bill:

**Senate Bill No. 763**

The motion prevailed.

**Senate Bill No. 1292, entitled**

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending sections 1, 2a, 2b, 2c, 2d, 4, 7, 8, 14, 15, 16, 17, 18, 19, and 20 (MCL 141.421, 141.422a, 141.422b, 141.422c, 141.422d, 141.424, 141.427, 141.428, 141.434, 141.435, 141.436, 141.437, 141.438, 141.439, and 141.440), sections 1 and 7 as amended by 1982 PA 451, sections 2b and 4 as amended by 1996 PA 439, section 2d as amended by 1999 PA 142, section 8 as amended by 1996 PA 400, section 15 as amended by 1981 PA 77, and sections 16 and 17 as amended by 1995 PA 41.

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

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

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

Senator Rogers moved that the rule be suspended.

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

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

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

**Roll Call No. 899****Yeas—34**

Bennett  
Bullard  
Byrum  
Cherry

Emmons  
Gast  
Goschka  
Gougeon

Leland  
McCotter  
McManus  
Miller

Schuette  
Schwarz  
Shugars  
Sikkema

DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

In The Chair: Hoffman

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

**Senate Bill No. 1345, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 35 and 35a (MCL 208.35 and 208.35a), section 35 as amended by 1998 PA 240 and section 35a as amended by 2000 PA 44.

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

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

A bill to amend 1975 PA 228, entitled "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," by amending sections 35, 35a, 37c, and 38c (MCL 208.35, 208.35a, 208.37c, and 208.38c), section 35 as amended by 1998 PA 240, section 35a as amended by 2000 PA 44, section 37c as amended by 1999 PA 100, and section 38c as amended by 1997 PA 190.

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

Senator Rogers moved that the rule be suspended.

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

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

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

**Roll Call No. 900**

**Yeas—33**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Dunaskiss	Koivisto	Rogers	Young
Emerson			

**Nays—1**

Jaye

**Excused—4**

Hart

Smith, V.

Steil

Vaughn

**Not Voting—0**

In The Chair: Hoffman

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

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

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

**Senate Bill No. 1046, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 3 (MCL 207.803), as amended by 2000 PA 144.

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. 901****Yeas—33**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Emmons  
Gast  
Goschka  
Gougeon  
Hammerstrom  
Hoffman  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers

Schuette  
Schwarz  
Shugars  
Sikkema  
Smith, A.  
Stille  
Van Regenmorter  
Young

**Nays—1**

Jaye

**Excused—4**

Hart

Smith, V.

Steil

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.

Senators Peters, Byrum, A. Smith, North, McManus, DeBeaussaert, McCotter, Goschka, Leland, Johnson, Hammerstrom, Bennett, Bullard, Young, Murphy and Schuette moved that they be named co-sponsors of the following bill:

**Senate Bill No. 1046**

The motion prevailed.

**Senate Bill No. 769, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 1994 PA 138.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 11, after "JUDGE." by striking out "THIS JUDGESHIP SHALL BE FILLED INITIALLY BY".
2. Amend page 3, line 12, after "DISTRICT" by striking out the balance of the line.
3. Amend page 3, line 13, after "AS" by striking out "A" and inserting "THE".
4. Amend page 5, line 7, by striking out all of enacting section 1 and inserting:  
"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:  
(a) Senate Bill No. 257.  
(b) House Bill No. 4207."

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

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

Senator Rogers moved that the rule be suspended.

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

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

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

**Roll Call No. 902****Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0****Excused—4**

Hart

Smith, V.

Steil

Vaughn



**Not Voting—0**

In The Chair: Schwarz

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 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. 977, entitled**

A bill to make, supplement, and adjust appropriations for capital outlay, the department of agriculture, the department of environmental quality, the department of natural resources, the department of treasury, the department of community health, the department of transportation, and the department of consumer and industry services for the fiscal year ending September 30, 2001; to implement the appropriations within the budgetary process; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1) and ordered that the bill be given immediate effect.

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

**Senate Bill No. 260, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416b.

(For Conference Report, see Senate Journal No. 78, p. 2084.)

The House of Representatives has adopted the report of the Committee of Conference.

Senator Rogers moved to reconsider the vote by which the bill was given immediate effect.

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

The question being on the motion to give the bill immediate effect,

The motion did not prevail, 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. 261, entitled**

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

(For Conference Report, see Senate Journal No. 78, p. 2086.)

The House of Representatives has adopted the report of the Committee of Conference.

Senator Rogers moved to reconsider the vote by which the bill was given immediate effect.

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

The question being on the motion to give the bill immediate effect,

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

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

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

**Senate Bill No. 1388, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5314 (MCL 700.5314), as amended by 2000 PA 313.

Substitute (H-1).

The question being on concurring in the amendment 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. 903****Yeas—34**

Bennett  
Bullard  
Byrum

Emmons  
Gast  
Goschka

Leland  
McCotter  
McManus

Schuetz  
Schwarz  
Shugars

Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	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. 1390, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5215, 5314, and 5423 (MCL 700.5215, 700.5314, and 700.5423), section 5314 as amended by 2000 PA 313, and by adding section 5108. 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. 904**

**Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	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. 1385, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5305 and 5406 (MCL 700.5305 and 700.5406), section 5406 as amended by 2000 PA 54.

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. 1386, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8102) by adding section 5108.

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. 1387, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5401 (MCL 700.5401).

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. 1389, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5303 (MCL 700.5303).

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. 863, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5106, 5313, and 5409 (MCL 700.1106, 700.5106, 700.5313, and 700.5409), section 1106 as amended by 2000 PA 54, section 5313 as amended by 2000 PA 312, and section 5409 as amended by 1998 PA 386.

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

The House of Representatives has passed the bill as substituted (H-1) and amended the title to read as follows:

A bill to amend 1998 PA 386, entitled "An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the

court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts," by amending sections 1106, 5106, 5212, 5313, and 5409 (MCL 700.1106, 700.5106, 700.5212, 700.5313, and 700.5409), section 1106 as amended by 2000 PA 54 and section 5313 as amended by 2000 PA 312.

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

Senator Rogers moved that the rule be suspended.

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

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

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

**Roll Call No. 905**

**Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	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. 1172, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by repealing section 421 (MCL 32.821).

The House of Representatives has passed the bill, ordered that the bill 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. 911, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 1997 PA 73.

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 1995 PA 279, entitled “An act to license and regulate the conducting of horse race meetings in this state with pari-mutuel wagering on the results of horse races and persons involved in horse racing and pari-mutuel gaming activities at such race meetings; to create the office of racing commissioner; to prescribe the powers and duties of the racing commissioner; to prescribe certain powers and duties of the department of agriculture and the director of the department of agriculture; to provide for the promulgation of rules; to provide for the imposition of taxes and fees and the disposition of revenues; to impose certain taxes; to create funds; to legalize and permit the pari-mutuel method of wagering on the results of live and simulcast races at licensed race meetings in this state; to appropriate the funds derived from pari-mutuel wagering on the results of horse races at licensed race meetings in this state; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 20 (MCL 431.320), as amended by 2000 PA 164.

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

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

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

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

**Roll Call No. 906**

**Yeas—33**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Dunaskiss	Koivisto	Rogers	Young
Emerson			

**Nays—1**

Jaye

**Excused—4**

Hart	Smith, V.	Steil	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.

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

**Senate Bill No. 1205, entitled**

A bill to prescribe a tax on the sale and use of certain types of fuel in motor vehicles on the public roads or highways of this state and on certain other types of gas; to prescribe the manner and the time of collection and payment of this tax and the duties of officials and others pertaining to the payment and collection of this tax; to provide for the licensing of persons involved in the sale, use, or transportation of motor fuel and the collection and payment of the tax imposed by this act; to prescribe fees; to prescribe certain other powers and duties of certain state agencies and other persons; to provide for exemptions and refunds and for the disposition of the proceeds of this tax; to provide for appropriations from the proceeds of this tax; to prescribe remedies and penalties for the violation of this act; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect. Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

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

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

**Roll Call No. 907**

**Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

In The Chair: Hoffman

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

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

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

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

**Senate Bill No. 1208, entitled**

A bill to provide review of certain health care coverage adverse determinations made by health carriers; to prescribe eligibility, powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to establish the cancer clinical trials fund; to provide fees; and to provide penalties for violations of this act.

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 2000 PA 251, entitled "An act to provide review of certain health care coverage adverse determinations made by health carriers; to prescribe eligibility, powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to provide fees; and to provide penalties for violations of this act," by amending sections 11, 13, 15, and 23 (MCL 550.1911, 550.1913, 550.1915, and 550.1923).

Pending the order that, under rule 3.202, the bill be laid over one day,  
 Senator Rogers moved that the rule be suspended.  
 The motion prevailed, a majority of the members serving voting therefor.  
 The question being on concurring in the substitute made to the bill by the House,  
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 908**

**Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	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. 1264, entitled**

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending section 203 (MCL 259.203).

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.

Senator McManus moved that the bill be given immediate effect.

The motion prevailed, 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. 1265, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 71102 (MCL 324.71102), as added by 1995 PA 58.

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.

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 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. 1266, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 1 and 4 (MCL 207.211 and 207.214), as amended by 1996 PA 584.

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.

Senator McManus moved that the bill be given immediate effect.

The motion prevailed, 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. 1064, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 409 (MCL 436.1409) and by adding section 411.

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. 1300, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 1982 PA 376.

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

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

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

Senator Emmons moved that the rule be suspended.

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

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

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

**Roll Call No. 909****Yeas—34**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson	Koivisto		

**Nays—0****Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**



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. 1346, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710g (MCL 257.710g), as added by 2000 PA 282.

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. 1348, entitled**

A bill to create the office of state poet laureate in the executive branch; to provide for the appointment and term of certain state officers; and to impose duties and responsibilities on certain state officers.

The House of Representatives has passed the bill.

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. 1106, entitled**

A bill to amend 1935 PA 140, entitled "An act to prohibit endurance contests known as walkathons and similar endurance contests; to prescribe a penalty for the violation thereof, and to repeal Act No. 65 of the Public Acts of 1933," by amending sections 1 and 2 (MCL 752.161 and 752.162).

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.

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

The motion prevailed.

Senator Rogers' statement is as follows:

I wanted to point out one individual from my staff—and we'll take this piecemeal—who is likely to leave at the end of this year. She is somebody who everybody on this floor ought to be extremely appreciative of her talents; somebody, as you can see, there is industrial strength box of Extra Strength Tylenol on that desk. For everyone here who has come up to this desk and says, "When are we leaving or when is my bill up or why can't my bill move or why did you do that or what's in the bill" ought to be very appreciative of Heather Keiser, who is getting ready to leave at the end of the year and move on.

She started as my receptionist in 1995 and very quickly rose through the ranks through constituent service in my office, became the floor manager, and is somebody who is extremely compassionate and believes fiercely in what she does. As a matter of fact, it was very hard for us in the beginning to stop her from feeling the pain so much for those constituents that she would some days leave the office in tears.

She is an incredibly committed individual who has done great things for the state of Michigan and for every constituent and person she has touched. I hope you will all join me in wishing her well. I understand that she may be moving to Washington, D.C. It's unconfirmed yet, but probably tomorrow about noon we'll be able to tell you for sure. She is a great talent that I know we will miss her in the state of Michigan, but please be advised great things are going to happen for her. She hasn't given up her life in public service. She's going to do great things in Washington, D.C. Ladies and gentlemen, Heather Keiser is leaving us today.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 228**

**Senate Resolution No. 229**

**Senate Resolution No. 230**

**Senate Resolution No. 231**

**Senate Resolution No. 232**

**Senate Concurrent Resolution No. 44**

The resolution consent calendar was adopted.

Senators North, Gougeon, Schwarz, Rogers, McCotter, Peters, A. Smith, Hart and Miller offered the following resolution:

**Senate Resolution No. 228.**

A resolution to honor Colonel Charles P. Claxton.

Whereas, The members of the Michigan Senate are duly elected representatives of the citizens of the state; and

Whereas, The people of the state of Michigan have long held their veterans in the highest esteem; and

Whereas, Colonel Charles P. Claxton was a pilot stationed in Michigan's Upper Peninsula at the Kincheloe Air Force Base. He lived in Kinross where he and his wife Patricia had three sons and two daughters; and

Whereas, On December 27, 1967, Colonel Claxton was the pilot of an Air Force C-130E Hercules that failed to return to base from a special mission flight over North Vietnam, and Colonel Claxton was listed as Missing in Action; and

Whereas, The United States Department of Defense has presented evidence and recently determined the facts and circumstances surrounding the loss of the aircraft and its 11- member crew; and

Whereas, Colonel Charles P. Claxton and his crew members were honored and remembered for their heroic efforts in a memorial service held on Wednesday, November 15, 2000, at 11:00 a.m. at Arlington National Cemetery in Arlington, Virginia; now, therefore, be it

Resolved by the Senate, That it is the desire of the members of this legislative body to communicate to the family and friends of Colonel Charles P. Claxton that the people of Michigan have not forgotten his service and wish to convey their respect, admiration, gratitude, and sorrow on the occasion of this memorial service; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Colonel Charles P. Claxton as a reflection of our appreciation.

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

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

Senators Koivisto, DeBeaussaert, A. Smith, Hart and Peters offered the following resolution:

**Senate Resolution No. 229.**

A resolution of tribute to the Iron Mountain High School Football Team, Michigan High School Athletic Association's Division 7 State Champions.

Whereas, The members of the Michigan Senate offer special accolades to the Iron Mountain High School Mountaineers football team in their victorious win of the Division 7 state championship title; and

Whereas, Under the leadership of head coach Tom Wender, the black and gold Mountaineers had an overall record of 11-1 in the Mid-Peninsula Conference and mobilized to defeat Gobles High School 25-23 at the Pontiac Silverdome; and

Whereas, Having actualized the tenets of hard work, dedication, and teamwork, the members of the Mountaineers football team are richer for the experience. They will be able to employ these principles often as they move forward to lead rewarding and productive lives; and

Whereas, The unified support and pride developed between the Mountaineers and the Iron Mountain community is undeniable. Our commendations are extended to the Iron Mountain Public Schools administration, assistants, coaches, statisticians, band members, boosters, students, parents, and community supporters; and

Whereas, The pinnacle achieved by the following team members will serve to motivate future teams and coaches to aspire to greatness, while developing valuable life skills in preparation, practice, dedication, integrity, and teamwork:

Team Captains

Mike Wales (#51)

Justin Murphy (#62)

Bob Badini (#72)

Jason Bray (#44)

Derek Luke (#84)

Mike Maule (#80)

Adam Sufka (#73)

Kerk Summers (#43)

Chris Cook (#54)	Travis Mellon (#14)	Lincoln Tice (#82)
Adam DeGroot (#34)	Mike Menghini (#83)	Chris Tomassucci (#70)
James Ellis (#32)	Justin Murphy (#62)	Robert Vornkahl (#50)
Chris Fiorucci (#63)	Matt Nord (#12)	Mike Wales (#51)
Tony Flaminio (#24)	Chad Olson (#35)	Logan Watts (#30)
Bryan Formolo (#74)	Ryan Pericolosi (#10)	Josh White (#5)
Nick Gerard (#64)	Chase Pietrantonio (#52)	Chad Wroblewski (#10)
Brad Johnson (#20)	Louis Santini (#42)	
Matt Klenc (#33)	Ryan Skaggs (#12)	

; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest congratulations to the Iron Mountain Mountaineers Football Team, Division 7 State Champions; and be it further

Resolved, That a copy of this resolution be transmitted to head coach Tom Wender and all team members of the Division 7 State Champion Iron Mountain Mountaineers.

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

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

Senators DeBeaussaert, Miller and Jaye offered the following resolution:

**Senate Resolution No. 230.**

A resolution honoring Sheriff Ronald Tuscany upon his retirement from the Macomb County Sheriff's Department.

Whereas, It is a pleasure to honor Sheriff Ronald Tuscany as he retires from the Macomb County Sheriff's Department after 37 years of service. We thank him for his tireless efforts on behalf of the people of Macomb County he has served so well; and

Whereas, Sheriff Tuscany has served the people of Macomb County since he first became a deputy on January 11, 1964. He advanced through the ranks, accepting increased responsibilities with each promotion. Throughout his career, he served in every bureau of the department; and

Whereas, Sheriff Tuscany was appointed as undersheriff on June 1, 1985. Over the last 15 years, his duties have included the day-to-day operations of the department and the supervision of its \$38 million budget; and

Whereas, On April 27, 2000, Mr. Tuscany temporarily assumed the role of Macomb County Sheriff. With the support of the men and women of the department and numerous other officials and citizens, he was officially appointed sheriff on May 24, 2000, bringing stability and professionalism during a difficult time in the department's history; and

Whereas, With the retirement of Sheriff Tuscany, the Macomb County Sheriff's Department is losing an exemplary professional, one who has capably served as a frontline defender for the people of the county. His dedication, skill, and leadership merit our highest praise; and

Whereas, Sound judgment, loyalty, and a penchant for hard work are just some of the qualities that Sheriff Tuscany brought to this department, and he takes with him into retirement the gratitude of the people of Macomb County. We are proud to join with his many admirers and friends in saluting his successful career; now, therefore, be it

Resolved by the Senate, That we honor and congratulate Sheriff Ronald Tuscany for his outstanding career with the Macomb County Sheriff's Department; and be it further

Resolved, That a copy of this resolution be transmitted to Sheriff Ronald Tuscany as evidence of our respect and admiration.

Senators DeGrow, Miller, Cherry, Emmons, Johnson, McCotter, Goschka, Sikkema, Bullard, Schwarz, North, Bennett, Hoffman, Steil, Dunaskiss, Stille, Van Regenmorter, Gougeon, Shugars, DeBeaussaert, Dingell, A. Smith, Peters, Byrum, Koivisto, Hart, Jaye, Murphy, McManus, Gast, Emerson, Leland, Hammerstrom and Young offered the following resolution:

**Senate Resolution No. 231.**

A resolution of tribute for the Honorable Mike Rogers.

Whereas, As he completes his tenure of service to the Michigan Senate and commences his responsibilities in Congress, it is most appropriate to express our thanks to Senator Rogers for his exemplary service to this legislative body. His efficiency, fairness, and integrity have been especially valuable in his responsibilities as the Majority Floor Leader and vital to the effectiveness of the legislative process; and

Whereas, Elected to the Michigan Senate in 1994, Mike Rogers brought with him extensive experience in law enforcement. A graduate of Adrian College with a major in sociology and criminal justice who also studied at the University of Michigan, he served as an officer with the United States Army and as a special agent with the Federal Bureau of Investigation. His prior experiences have also included efforts in the building industry and involvement in a host of community organizations, especially in the Livingston County area; and

Whereas, Over the course of his six years at the Capitol, Senator Rogers has contributed significantly to the debate on numerous issues impacting Michigan's families and future. He has worked with constituents and groups from across the state to strengthen public policy and programs. As the Majority Floor Leader, Senator Rogers has been vital to the smooth flow of legislation through the process. His respect for the system has earned him respect and gratitude from both sides of the political aisle; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to the Honorable Mike Rogers as he brings to a close his notable service to this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Rogers as evidence of our gratitude and best wishes.

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

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

Senators DeGrow, Miller, Cherry, Johnson, Emmons, McCotter, Goschka, Sikkema, Bullard, Schwarz, North, Bennett, Hoffman, Steil, Dunaskiss, Stille, Van Regenmorter, Gougeon, Shugars, DeBeaussaert, Dingell, Byrum, A. Smith, Peters, Koivisto, Hart, Murphy, McManus, Gast, Jaye, Emerson, Leland, Rogers, Hammerstrom and Young offered the following resolution:

**Senate Resolution No. 232.**

A resolution of tribute for the Honorable Virgil Clark Smith.

Whereas, It is with great admiration for his long and distinguished service to the Michigan Legislature that we commend our friend and colleague Senator Virgil Smith as he brings to a close his work as a lawmaker to embark on new challenges in public service in Wayne County. His dedication and hard work have benefited not only the people of his district, but also our entire state; and

Whereas, Born in Detroit, Virgil Smith earned his bachelor's degree at Michigan State University and his law degree from Wayne State University. Prior to his election to the Michigan House of Representatives in 1976, he combined his sense of justice and community service with his legal education to work with the Wayne County Legal Services. This trait, pursuing fairness through the law, has been the hallmark of his legislative career. In 1988, he brought this experience to the Michigan Senate. To his numerous committee responsibilities, he has brought a quick grasp of issues and a sensitivity to the needs of our citizens; and

Whereas, Senator Virgil Smith has contributed to the debate on numerous difficult issues, including reform of our courts and education in Detroit and throughout the state. In addition to his strong voice on policy questions, Senator Smith has been an effective leader of his caucus. As the Democratic Floor Leader, he has also earned the respect of the entire Senate through his understanding of the details of the legislative process; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute for the Honorable Virgil Clark Smith as he brings to a close his twenty-four years as a legislator to assume new responsibilities in Wayne County; and be it

Resolved, That a copy of this resolution be transmitted to Senator Smith as evidence of our thanks and best wishes.

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

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

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

The motion prevailed.

Senator DeGrow's statement is as follows:

One of the traditions we have in the Senate is when a member leaves, we present them with a plaque. We have two members who will be leaving at the end of the year. One of them is not here tonight, however, the other one is here. He has been running the floor. I would like to take a moment to thank Mike for his service here in the Senate. He has done an excellent job here running our floor. I will miss him, and I know he will not forget us.

At this time, since we are under resolutions, in the future when we send those resolutions to Congress, we now know they are going to get read. They are going to get looked at and actually going to mean something because we have extracted a commitment from him that he will not forget us, and if we write to tell him to do something or to send more money, he's going to listen.

Seriously, I have enjoyed working with Mike. I think he will be a valuable addition to an institution of our nation. He will do a great job there. We are going to miss him, but we do wish him well. We are very proud of him. Good luck, Mike. We will miss you. Have fun.

Senator Rogers offered the following concurrent resolution:

**Senate Concurrent Resolution No. 44.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, December 14, 2000, it stands adjourned until Wednesday, December 27, 2000, 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 Wednesday, December 27, 2000, it stands adjourned without day.

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

The motion prevailed.

Senator Rogers' statement is as follows:

I would like to take this time to say thank you to a lot of people. Let me start with the Secretary of the Senate. Over the last two years, madam, you have been wonderful to work with. Thank you very much for your tutelage in keeping me on the straight and narrow.

To the Amending Clerks and everyone in your office, Pam and the whole works, thank you very, very much. It is just a delight to work with such a professional staff. My hats are off to you. I feel very, very safe at night when I go to sleep that things are getting done extremely well here in the state of Michigan because of your good work. Thank you very, very much.

To the members of this body, I can't thank you enough. When I first came here as an FBI agent, I must admit, working organized crime and public corruption in Chicago, my belief in public service was just a tad bit tainted. When I got here, I may have looked at many of you with a crooked eye and wondered what your motivations were to be here. I want to thank each and every one of you on both sides of the aisle for giving me, again, the faith in our representative democracy. I want to thank you for the long nights that go unrewarded. I want to thank you for every constituent call that you take personally, as Senators, when they are difficult and hard to deal with. However you persevere in your commitment and compassion for those people overwhelms the whole spirit of their negativity. I thank you for all of those calls. I thank you for the passionate, fierce, feisty debates on this floor not because you are shielding for anyone other than what you believe in. I want to thank you for your public service to this great state and to the constituents whom you serve, each and every one of you. I want you to know that you have given me the strength and conviction and faith to know that your service is true and honorable. I am proud to call each and every one of you colleagues and friends, and I wish all of you Godspeed in what you do here.

As I have said, when I go to bed at night, I know that my children are going to live in a great state because there are a whole bunch of dedicated, committed people who will fight when they need to fight. They will compromise when they need to compromise, and they will stand tall and be the voice of the people when it is necessary. Thank you for giving me that great gift and the honor to serve. Thank you for the honor of serving as your floor leader. It was quite a learning experience for me to be here.

Senator John Schwarz, thank you for your tutelage and getting me up to speed in parliamentary procedures. I got a thousand stories about each member here on this floor; about 999 of them are not allowed to be told.

For the staff that is here, thank you very, very much for all that you do—for running this place, for making every Senator at every desk look like we know what we are doing. I appreciate that very, very much. We just can't do what we do without each and every one of you. Thank you for your commitment and your unrewarded long nights and your unheralded commitment, pain, and agony that you feel, that I have watched when tough things happen and you try to get results and solutions for real people whom you represent. This is an incredible place and an incredible institution. I am honored to have served here and honored to serve with all of you. I wish you all well and Godspeed. God bless.

I know I will be working with you, and I just can't wait for that first resolution to come across my desk. Thank you and God bless.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Emmons introduced

**Senate Bill No. 1436, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1998 PA 240.

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

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

The motion prevailed.

Senator Rogers' statement is as follows:

I know my chief of staff is in the office up there somewhere. I hope she can come out that door. If you're watching the TV, Anne Belser, come on out of there. She's been with me since the very beginning, and she is also leaving. This is an individual you all know. You can't mistake her call to your office. It has that very thick Danish accent. We often say when there is a problem to be solved, we send in the Danish foreign legion.

She has been phenomenal, to say the least. She came here, and I think, took Lansing by storm with her passion and commitment. For someone who is probably one of our elders in the office, she is the hardest working individual I have ever met in my life. She is the most committed, dedicated person who not only ran my first campaign and took a chance on me, but believed in the end gain. I just want to say—and I hope she's still up there watching that TV; I know she works late most nights—thank you very much to Anne Belser, my chief of staff. I tell you, I would not be a floor leader without her. I know I wouldn't be a state Senator, and I doubt I would be looking forward to a good conclusion to tomorrow's events without her fine efforts and her commitment and her passion.

So, Anne, I want to thank you very much from the bottom of my heart. I hope that all of you will give her a round of applause as she departs from the state Legislature and moves on to bigger and better things in the public service arena as well.

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senators Goschka, McCotter, Miller, Emmons, Gougeon, Cherry and Schuette asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Goschka's statement is as follows:

As you all know, we are losing a very dear friend here, Senator Mike Rogers. I remember when I first met Mike in 1994. He was a candidate for the state Senate, actually involved in a primary—what appeared to be a primary. I met him in Shiawassee County. I had heard about him and was so thoroughly impressed that in that same meeting later as I spoke, to my knowledge, I was the first elected official who endorsed him.

I believe that Senator Mike Rogers is not a politician; he is a statesman. He is a person who has remarkable character and integrity. He has added much to this body and to this chamber and to the way we do business here. You can trust Mike Rogers. He is indeed a person whom we will miss.

Mike, it's been an honor to work with you in the Senate. Even as you're on that telephone, I hope you heard just a portion of what was said about you. Mike Rogers, you're a dear friend, and we're going to miss you.

Senator McCotter's statement is as follows:

Seeing as we're in a bit of a lull, I'd just like to thank everyone in this chamber, my colleagues especially. I was the first person in my class who did not serve in Lansing when I got here. So many of the people who were here were names to me. They were names that I'd heard for many, many years and had earned my respect although I'd never met them, never served with them, and never worked with them. I'm very happy to say that you did not disappoint me.

I remember when I got here, when I was thinking about running, I was talking to the good Senator from Canton. He was telling me about how much he enjoyed it, how much I would learn here; and I'd like to thank him for his guidance as I got here. I'd like to thank all of you for your patience and understanding from the young man from the Wayne County Commission.

Senator Miller's statement is as follows:

First of all, I'd like to thank, and I really, really from the bottom of my heart, will miss Senator Rogers' assistant, Heather. Every week before I'd come to Lansing, I would always have my office call there and ask my staff to do me a favor and call Heather, not Senator Rogers, to see how long session's going to be. Do I need to bring an extra set of garments because the good Senator's going to keep us here longer? I really appreciated over the last four years her effort for making my trips here better and for assuring my work schedule go a lot better. I wish her a great, great deal of success.

For her boss, we're not going to miss him, Mr. President. Really, but on the other hand, I just want to say I remember the first day that Senator Mike Rogers walked into this chamber, and I think he used to sit up here in the front someplace. At that time I was the Minority Leader, and I was sitting back there with my good friend and now leader, Senator Cherry, and this young, brazen bull from Brighton jumped up and his first week here was going to tell this whole body that's only been here for 200 years what he thought should be the policy here in legislation. At that time we had to get up and defend a few Democratic principles, but I want to tell you, Mr. President, Senator Rogers has come a long, long way. I respect his eagerness, his fight, and most of all, I respect his friendship. Whether he's a Republican on the other side of the aisle, he's always been fair. He's led an agenda that's been true to form. I just want to say I wish him the best. I think he'll do a great job in Washington, and it's an opportunity that many of us here wish we had. I've served here,

Mr. President, for 22 years. In that 22 years I've seen a lot of men and women serve this body. I just want to say in the short six years that Mike Rogers has been here, he's not only been a great Senator, but he's been a true friend. I wish him the best and hope that he has a long future in Washington. Best of luck to you, Mike Rogers.

Senator Emmons' statement is as follows:

I'm delighted you're going to Washington, Michael. I occasionally come down, and so I need to come and find that hole in the wall that you're going to have down there. I expect a red carpet and a yellow rose and a great welcome. You're going to be a great Congressman.

I also would like to have a comment, and I know he isn't here tonight, but I didn't have any chance to really tell Virgil how much I'm going to miss him also. He is an extraordinary man.

I don't believe I've ever seen any Senator move on a deep-felt principle like Virgil did on the Detroit package. Frankly, I went to Virgil, and I said, "Don't do this. I don't think this is going to be good for you." And Virgil said, "It doesn't make any difference. I have to do this because children are getting lost in the system." So I saw a man of courage who really gave up a lot for a principle that he believed in.

I am just going to miss Virgil immensely here. He served on my Finance Committee when I first took over the chairmanship, and he was always very helpful. Virgil and I had an understanding. He'd help me when he could, and when he couldn't, he'd tell me. There was never acrimony or any bitterness or any ugliness between Virgil and me. It was just "this is the way it is." I certainly wish him well in what he's going to be doing. I know that he will be much happier closer to his family and not having to make that drive. But, Virgil, I'm going to miss you a lot.

Senator Gougeon's statement is as follows:

I also want to say just a couple of words about my good friend, Mike Rogers. He will be missed. He's one of the most articulate and smartest and most intelligent Senators I've had the pleasure to serve with. But one thing he did do for us, that we all recognize, was the way he prepared for his tributes to our nation's military. I can tell you in all the years Mike chaired that event, it always was a time when I had to bring a hanky or excuse myself to the men's room to find one if I wasn't carrying one.

As Mike goes to Washington, I hope and I know, being that he is a military man himself, he will remember, as we approach Christmas and the coldest days, we're going to have Michigan men and women—in fact, men and women from all over this nation—serving on the DMV in places like Korea and all over the world protecting this nation's interests and providing this nation's security. I hope he will keep those people in mind. Also keep in mind the fact that they are paid very little, and support the next President of the United States as he proposes to try to increase veterans' pay throughout this nation and to ensure that every veteran—every soldier, sailor, airmen—should they ever have to go into combat goes into combat with the best possible equipment and the best planning that we can possibly provide. Mike, I know you will do that. I think you'll make an outstanding Congressman. And, quite frankly, it's this Senator's position and feeling you'd make a great President of the United States as well.

Senator Cherry's statement is as follows:

Mr. President, it's always said that life goes on, and indeed it does, but come January of next year, this body will have new floor leaders on both sides of the aisle. While I know that our colleagues who are assuming those positions are going to do an outstanding job, we still are going to miss our good friends Virgil Smith and Mike Rogers. I want to congratulate both of them on their new endeavors.

I listened very intently and closely as my colleague, Senator Emmons, talked about Virgil Smith. I always understand that each one of us struggles to articulate very strongly our points of view, but at the same time, do it in a way that moves us forward without alienating those around us. I always thought Virgil Smith was very accomplished at that. He could, in fact, in a very sincere but articulate way state a viewpoint in no uncertain terms. You always knew where Virgil Smith stood, but you knew that he stood next to you to try to work to improve not only the body's work, but society in general. I personally will miss Virgil a great deal. He was a person who provided me with a good deal of counsel. He was always there to support me. He was always there to support us in the Democratic Caucus. He was always there to support all of us who served in the institution of the Senate. We'll be diminished by his absence. I know that someone will replace him. That person will probably do a very good job, but I will always remember the service Virgil Smith provided the Michigan Senate.

Let me also say that I've enjoyed the opportunity to work with Mike Rogers. We've had the ability and the opportunity to spar now and then. While some of those sparrings were intense, Mike was the person who never allowed that to get in the way of our ability to continue working that way. Now, I've been a bit of a welch. I can't remember what the incident was. In fact, it was so long ago. I lost a bet to him, and I have succeeded not paying it. I know some of our friends in lobby court play the game of letting the clock run out, and I think I'm almost there. Even then, Mike, at some point, I'll pay off that bet. So feel assured that I'll remember that there's still a debt and that it is forthcoming. It's been a pleasure working with you, Mike. I know you'll do an outstanding job in representing many of my constituents we share in Washington, D.C.

I do look forward to working with both Senator Emmons and Senator Emerson as they fulfill their functions, but I will miss both Senator Rogers and Senator Virgil Smith and the fine job they've done here in the Michigan Senate.

Senator Schuette's statement is as follows:

I want to make a statement about the departure of two leaders and friends in the Senate.

First, Virgil Smith. I'm going to miss Virgil, and I learned a lot from him. I have been struck by Virgil as a man of talent and a man of integrity, who always spoke his mind and who was an aggressive, ardent, and passionate fighter for his constituents. You saw that on the school reform issue as an example. Virgil stood tall and was a standout, stand-up guy. I just know him to be a person of integrity and talent. We'll miss him but know that he's not far away in his new responsibilities in Wayne County government.

Our friend Mike Rogers. I first heard about him in 1994 from a friend of mine. An insurance businessman from Clinton County named Leon Brewbaker said, "Bill, you really need to meet Mike Rogers. He's going to be our next Senator." Leon Brewbaker happens to be a friend of mine, and now a friend of Mike's. So I called Mike up on the phone, and he was at his phone in Chicago or maybe in Michigan. We chatted for a little bit. He seemed like a fine person. He breezed through the election. Everything I heard came true.

Here's a guy who's just steeped with lots of enthusiasm and stature. It just grows throughout his years in the Michigan Senate. Mike, we've been with you in lots of different ways and lots of capacities. When Diane had her scare, which was a hard thing for you I know, and the final weeks of your last endeavor in the campaign, there's nothing like that. But you know, you're going to have an exciting time and exciting years ahead of you. You're an outstanding Majority Floor Leader. You're going to be an outstanding Congressman. All of us here, I think, are a little bit more enriched because we spent a little time with you.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

#### **Senate Bill No. 757, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 31 and 32 (MCL 552.631 and 552.632), as amended by 1996 PA 301.

(For Conference Report, see Senate Journal No. 75, p. 2027.)

The House of Representatives has adopted the report of the Committee of Conference.

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

The motion prevailed.

Senator Rogers' statement is as follows:

I would just like to also point out that Jami Deschenes, my legislative director, is also moving on here at the end of the year—a great and very talented individual. I am not going to go on and on about Jamie because she left us once. We had a big tearful goodbye here, and three weeks later she came back. So be prepared; she's coming back, I just know it, in about three weeks. But, Jami, thank you very, very much for all the great work. Anyone who's had the opportunity to work with Jami, you know what kind of work she can do—extremely talented. I think hopefully she's going to stay around the state Legislature here and do some great things. Jami, thank you very much for all your good work.

In continuation, Mr. President, my press secretary, Sylvia Warner, who many of you know, who had the occasion to work for the Senate here in Senate Communications Office, came on as my press secretary not so long ago, and she has done a phenomenal job. Again, a very dedicated, committed, and talented individual. Also there's a rumor that she may be traveling East these days—given a good conclusion tomorrow. I want to say thank you very much to Sylvia for her dedication and commitment and wish her well in her future endeavors as well.

Terri Reid, who many of you know, has been with me for a very long time and has done great things. She's been around this business 20 years; it hardly seems possible. She has also done incredible things, committed to the cause and committed to people. She, too, will be moving on at the end of the year.

To all the others who have touched our lives, thank you very, very much.

#### **Recess**

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

The motion prevailed, the time being 9:04 p.m.



9:35 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**

**House Bill No. 5959, entitled**

A bill to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” by amending section 2212b (MCL 500.2212b), as added by 1999 PA 230; and to repeal acts and parts of acts.

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

- 1. Amend page 4, following line 5, following enacting section 1, by inserting:

“Enacting section 2. Section 2074 of the insurance code of 1956, 1956 PA 218, MCL 500.2074, is repealed.”.

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

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

Senator Rogers moved that the rule be suspended.

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. 910**

**Yeas—20**

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
DeGrow	Hammerstrom	North	Sikkema
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Johnson	Schuette	Van Regenmorter

**Nays—12**

Byrum	Dingell	Leland	Peters
Cherry	Emerson	Miller	Smith, A.
DeBeaussiaert	Koivisto	Murphy	Young

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—2**

Gast	Jaye
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In The Chair: Schwarz

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. 911****Yeas—22**

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

**Nays—12**

Byrum	Dingell	Leland	Peters
Cherry	Emerson	Miller	Smith, A.
DeBeaussaert	Koivisto	Murphy	Young

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

**Protest**

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurrence in the House amendment to House Bill No. 5959 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cherry’s first statement is as follows:

I rise to oppose concurrence in the House amendments to House Bill No. 5959. You know, Mr. President, there used to be above the bar of the Capitol Park Hotel a sign that read no man or his property was safe while the Legislature was in session. I think that was a saying that was spawned by notoriously late lame duck sessions which we’re engaged in now. And it’s interesting to note that I was always told by my parents, and I think it’s accurate, that Santa Claus

never came while you were awake. So while Michigan sleeps tonight, we are about to see Santa Claus come and deliver one great gift wrapped in Christmas wrapping paper, tied with a bow for the insurance industry, because what the House did was slip into this bill a repealer of the prohibition against political action committees by insurance companies. There's a reason why that provision has been state law since 1956. It's because there really is—when you look at the financial power of insurance companies—no more powerful interest that operates in the state if they have the ability to engage in politics in this fashion.

Just look today—while this apparently has been brewing all day long—at what this body has done. First of all, it has closed off access to the consumer protection act to those who seek to sue because of unfair trade practices that they may encounter with the insurance industry. We have simply written the insurance industry out, and we have simply written consumers out of any kind of protection under the consumer protection act as it applies to insurance companies.

What else have we done today? We have told people living in five Michigan counties that they have to have permission of their insurance agent before they can file a claim if their car burns up. That's what we've done today. Why are we now linking all of that to an elimination of a provision in state law that has been there for over 40 years that prohibits political involvement financially and political campaigns by the insurance industry? You can see that as the prospect of that has unfolded today, all the things we have done on behalf of our constituents as it applies to insurance companies. It's because they're a powerful interest, and they've become increasingly more powerful as they have the ability to financially impact campaigns to the extent that this bill now anticipates they will be able to do.

There's a reason why we have waited until the very last minute in this lame duck session to do this bill. It's because it is a plain political travesty. I would hope that we would stand up to the insurance companies on this bill and deny them the ability to participate with PACs in campaigns. Even though we didn't stand up to them on the consumer protection act which hurt our constituents; even though we didn't stand up to them on the arson bill which hurts our constituents, we should at least stand up to them on this issue. I would urge a "no" vote on concurrence with the House amendment to House Bill No. 5959.

Senator Cherry's second statement is as follows:

This version strikes me as the opportunity for McCain to find gold here, in reference to some of the previous discussions we've had about campaign finance. I mean, Mr. President, I would suggest that when we go home tomorrow and we tell our constituents that we've adopted legislation that requires them to get their insurance agent's permission to file a claim when their automobile burns up, our constituents are going to look at us and say, "Why on earth did you do that?" And then they're going to see that we then passed legislation that allows insurance companies to form political action committees. Then they're going to say, "Oh, now I understand why you did that because now you're going to reap the political benefits from all of this legislation that you're passing." You know, we may not connect the dots, but I can tell you we have creative people out there who will connect the dots for us. And they'll understand why we have voted on other bills previously, and then today in the wee hours of session, at the very last moment, we sneak through this little piece, kind of attach it as a rider to some other bill. You know, we may think we're fooling somebody, but when it's all said and done, we're not going to fool anybody. They're going to understand exactly what we've done. I would suggest that if we want to avoid that kind of tag, we ought to vote "no" here. We ought to take and do it in the regular session when this issue has the full benefit of committee debate and is not done at the very last minute on the last day of a lame duck session. I would urge a "no" vote, Mr. President.

### Recess

Senator Rogers moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 9:48 p.m.

10:23 p.m.

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

### Senate Bill No. 1180, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 2, 3, 5, 6, 8, 11, 13a, 14, 15, 16, 18a, 19, 21, 31, 32, 35, 36, 38, 39, 41, 41a, 42, 43, 44, 46, 46a, 48, 61, 63, 65, 66, 68, 71, 74, 75, 76, 78, and 78a (MCL 780.752, 780.753, 780.755, 780.756, 780.758, 780.761, 780.763a, 780.764, 780.765, 780.766, 780.768a, 780.769, 780.771, 780.781, 780.782, 780.785, 780.786, 780.788, 780.789, 780.791, 780.791a, 780.792, 780.793, 780.794, 780.796, 780.796a, 780.798, 780.811, 780.813, 780.815, 780.816, 780.818, 780.821, 780.824, 780.825,

780.826, 780.828, and 780.828a), sections 2, 6, 13a, 31, 36, 41a, and 48 as amended by 1998 PA 523, sections 3, 5, 18a, 32, 35, 41, 43, 46, 63, 66, and 78 as amended and section 46a as added by 1993 PA 341, sections 16 and 76 as amended by 1998 PA 232, sections 19 and 78a as amended by 1996 PA 105, sections 38, 39, and 42 as added by 1988 PA 22, section 44 as amended by 1996 PA 562, section 61 as amended by 1996 PA 82, and sections 65, 68, 71, 74, and 75 as added by 1988 PA 21, and by adding sections 16a, 36b, 44a, and 76a.

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

The House of Representatives has passed the bill as substituted (H-1) and pursuant to Joint Rule 20, inserted the full title.

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

Senator Rogers moved that the rule be suspended.

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

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

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

**Roll Call No. 912**

**Yeas—33**

Bennett	Emmons	Leland	Schuette
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter
Dunaskiss	Johnson	Rogers	Young
Emerson			

**Nays—0**

**Excused—4**

Hart	Smith, V.	Steil	Vaughn
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**Not Voting—1**

Koivisto

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. 794, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

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

The Senate agreed to the full title.

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

**Senate Bill No. 645, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407b.

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

The Senate agreed to the full title.

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

By unanimous consent the Senate returned to the order of

**Statements**

Senator Peters moved that rule 3.506 be suspended to permit him to submit a written statement for inclusion in today's Journal.

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

Senator Peters' statement is as follows:

One of the key issues we never got around to dealing with this session is telemarketing fraud. We had a bipartisan package of bills introduced, but most of them are still in committee.

We need to pursue this issue next session. Too many voters, especially seniors, are victims of phony charities, credit card scams, and pie-in-the-sky prize schemes.

According to the AARP, 56 percent of telemarketing fraud victims are 50 or over. The FBI says consumers lost about \$50 billion a year to crooked telemarketers across the U.S.

In Michigan, an EPIC/MRA poll taken last year showed that more than 70 percent of our citizens believed state fraud laws need to be strengthened to include telemarketing.

People who complain to authorities soon find that current Michigan fraud statutes do not protect citizens against fraud by telephone. Law enforcement here is frustrated by an inability to acquire information about the identity and location of businesses employing phone solicitors.

We need, at the very least, to require that all telephone solicitors obtain a license and post a bond to operate in Michigan. We need to prevent solicitors from using devices that block caller ID service. Honest telemarketers should not object to these proposals.

I will work with members on both sides of the aisle to get an effective, tough, and fair telemarketing fraud package passed as quickly as possible.

I hope we take up this important issue early next session.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers 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.

By unanimous consent the Senate returned to the order of

**Resolutions**

Senator Rogers offered the following concurrent resolution:

**Senate Concurrent Resolution No. 45.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, December 14, 2000, it stands adjourned until Wednesday, December 27, 2000, at 11:45 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Friday, December 15, 2000, it stands adjourned until Wednesday, December 27, 2000, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Wednesday, December 27, 2000, 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 Rogers moved that the rule be suspended.

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

The concurrent resolution was adopted.

**Senate Concurrent Resolution No. 44.**

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see p. 2235.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:32 p.m.

Pursuant to Senate Concurrent Resolution No. 44, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, December 27, at 11:45 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.