

No. 53
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, June 5, 2002.

10:00 a.m.

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

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

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

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

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

Senator Dale L. Shugars of the 21st District offered the following invocation:

“We must attempt things so great that they are doomed to failure unless God intervenes.” Henry Blackaby

The need to be obedient and dependent upon God is so evident. Heavenly Father, we come to You to ask for wisdom, guidance, and discernment today. We ask that You protect us from evil. In Jesus’ name. Amen.

Senators Goschka, Hammerstrom, McCotter and Murphy entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senator Schuette be temporarily excused from today’s session.
The motion prevailed.

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

The following communication was received:
Department of Management and Budget

May 30, 2002

Pursuant to section 38(1) of Act No. 240 of Public Acts of 1943, I am hereby submitting to the legislature the actuarial valuation for the State Employees’ Retirement System for the fiscal year ended September 30, 2001.

This transmittal conforms to the requirements of section 38(1).

Sincerely,
Duane E. Berger
Director

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

June 4, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Performance and Financial Related Audit of Selected Internal Service Funds, Department of Management and Budget, June 2002.

If you desire further information concerning this report, I will be pleased to furnish it to you if available.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 4:
House Bill Nos. 5958 5999

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, June 4, for his approval the following bills:

Enrolled Senate Bill No. 422 at 2:30 p.m.

Enrolled Senate Bill No. 738 at 2:32 p.m.

Enrolled Senate Bill No. 987 at 2:34 p.m.

Enrolled Senate Bill No. 859 at 2:36 p.m.

Enrolled Senate Bill No. 1204 at 2:38 p.m.

Enrolled Senate Bill No. 540 at 2:40 p.m.

The Secretary announced the printing and placement in the members’ files on Tuesday, June 4, of:
Senate Bill No. 1369

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

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

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

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

Recess

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

The motion prevailed, the time being 10:04 a.m.

11:15 a.m.

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

During the recess, Senator Schuette entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 11:17 a.m.

11:36 a.m.

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

During the recess, Senator Scott introduced to the Senate the Pershing High School National Honor Society. Flutist Bonique Johnson and her accompanist, Mr. Presnell, rendered musical selections.

During the recess, Senator Young entered the Senate Chamber.

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

The motion prevailed.

Senator DeBeaussaert's statement is as follows:

I wanted the members to take note that today is the last day of Senate session for one of our valuable employees, Lisa Brady. She has been serving here for the last two years. She started as a page in May 2000, and in June 2001, she took on additional duties in handling all the page requests and has worked in the back here as the Senate messenger handling many of our requests and the flurry of paper that accompanies the process here today.

Lisa recently graduated from Michigan State University with a degree in marketing and advertising. As a note of joy for the parents all across the state, I think she found a job in her field of study. She will be taking a position with Pollack Corporation here locally, doing sales and marketing with that firm. Unfortunately, it means that she will be leaving her service here in the Michigan Senate today.

As I said, today is her last day, and I wanted to make note of her great service, offer a word of thanks for her service, and wish her well in her future activities.

Senator Byrum moved that rule 3.506 be suspended to permit her written statement to be printed in today's Journal.

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

Senator Byrum's statement is as follows:

I am proud to introduce to you today an intern in my office who has done an excellent job. Katie Woodward is a senior who is about to graduate from Everett High School. Katie has worked in my office for the entire academic year. She is pleasant to work with, and I wish her well in the future. Katie would like to attend Central Michigan University in the fall. Please join me in welcoming, thanking, and congratulating Katie Woodward.

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

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

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

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:41 a.m.

11:53 a.m.

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

During the recess, Senator Bennett introduced to the Senate the Flat Rock Angel Bell Choir of Bobcean Elementary School, 2002 National Champions, and choir leader Tim Hammar.

The choir rendered musical selections.

Mr. Hammar responded briefly.

Senator Emmons moved that the Committee on Appropriations be discharged from further consideration of the following bills:

House Bill No. 4373, entitled

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

House Bill No. 4398, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2000 PA 297.

Senate Bill No. 1359, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 25a and 36a (MCL 791.225a and 791.236a), section 25a as added by 1993 PA 184 and section 36a as amended by 1993 PA 346.

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

Senator Emmons 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. 4373

House Bill No. 4398

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

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

House Bill No. 6062, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 305 (MCL 331.1305), as amended by 1988 PA 502.

House Bill No. 5807, entitled

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending sections 8 and 12 (MCL 54.268 and 54.272), as amended by 1998 PA 5.

House Bill No. 5889, entitled

A bill to amend 1955 PA 10, entitled "An act to provide for the registration of historic sites," by amending the title and sections 1 and 2 (MCL 399.151 and 399.152) and by adding sections 3, 4, 5, 6, 7, 8, 9, and 10.

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

Senator Emmons moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 5083

The motion prevailed.

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

Senate Bill No. 1268

The motion prevailed.

The bill was placed on the order of Messages from the House.

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

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, resumed the Chair.

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

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

House Bill No. 4373**House Bill No. 4398**

The motion prevailed.

The following bill was read a third time:

House Bill No. 4373, entitled

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Gast offered the following substitute:

Substitute (S-1).

The question being on the adoption of the substitute,

Senator Gast offered the following amendment to the substitute:

1. Amend page 33, line 3, by striking out "\$93,180,000.00" and inserting "\$203,000,000.00".

The amendment to the substitute was adopted.

Senator Gast offered the following amendment to the substitute:

1. Amend page 47, line 2, by striking out all of section 551 and inserting:

"Sec. 551. (1) The funds appropriated under part 1 for declining enrollment grants shall be carried forward to 2002-2003 and shall be allocated to school districts that meet all of the following:

(a) Are located in the Upper Peninsula.

(b) Have a pupil membership for 2002-2003, as calculated under section 6(4) of the state school aid act of 1979, 1979 PA 94, MCL 388.1606, of less than 1,550 pupils.

(c) Have 4.5 or fewer pupils per square mile, as determined by the department of education. If a school district educates and counts in its membership pupils in grades 9 to 12 who reside in a contiguous school district that does not operate grades 9 to 12 and if 1 or both of the affected school districts request the department of education to use the determination allowed under this sentence, the department of education shall include the square mileage of both school districts in determining the number of pupils per square mile for each of the school districts for the purposes of this subdivision.

(2) The amount paid to an eligible school district under this section shall be an amount equal to the amount the school district would have received if it were eligible for a pupil membership adjustment for 2002-2003 under section 6(4)(y) of the state school aid act of 1979, 1979 PA 94, MCL 388.1606.”

The amendment to the substitute was adopted.

Senator Gast offered the following amendment to the substitute:

1. Amend page 15, line 10, by striking out all of section 109 and inserting:

“**Sec. 109. DEPARTMENT OF EDUCATION**

(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$	24,377,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	24,377,000
Federal revenues:		
Total federal revenues		24,011,900
Special revenue funds:		
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	365,100

(2) FIELD SERVICES

Field services operations.....	\$	53,000
GROSS APPROPRIATION	\$	53,000

Appropriated from:

Federal revenues:

Total federal revenues		53,000
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Special revenue funds:

State general fund/general purpose	\$	0
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(3) OFFICE OF SCHOOL EXCELLENCE

School excellence operations	\$	597,000
GROSS APPROPRIATION	\$	597,000

Appropriated from:

Federal revenues:

Total federal revenues		597,000
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Special revenue funds:

State general fund/general purpose	\$	0
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(4) GRANTS AND DISTRIBUTIONS

FEDERAL PROGRAMS:

Reading first state grants	\$	5,700,000
Improving teacher quality grants.....		16,500,000
Language acquisition grants.....		1,161,900

STATE PROGRAMS:

School breakfast programs	\$	365,100
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GROSS APPROPRIATION		23,727,000
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Appropriated from:

Federal revenues:

Total federal revenues		23,361,900
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Special revenue funds:

State general fund/general purpose	\$	365,100”
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and adjusting the subtotals, totals, and section 201 accordingly.

The amendment to the substitute was adopted.

Senator Gast offered the following amendment to the substitute:

1. Amend page 48, following line 11, by inserting:

“Sec. 702. Section 646 of 2001 PA 82 is repealed.”.

The amendment to the substitute was adopted.

Senator Emerson 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 adopted, a majority of the members voting therefor, as follows:

Roll Call No. 684

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Young offered the following amendment to the substitute:

1. Amend page 37, following line 21, by inserting:

“Sec. 412. From the appropriations in part 1 for the airport safety and protection plan, or airport improvement programs, funds shall not be used to implement or finance these programs that are generated by the airport parking tax act, 1987 PA 248, MCL 207.371 to 207.383.”.

The question being on the adoption of the amendment,

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

The motion prevailed.

Senator Smith offered the following amendments to the substitute:

1. Amend page 1, line 8, by striking out “996,871,325” and inserting “997,271,325”.

2. Amend page 2, line 3, by striking out “996,564,325” and inserting “996,964,325”.

3. Amend page 2, line 10, by striking out “(66,848,675)” and inserting “(66,448,675)”.

4. Amend page 17, line 22, by striking out “41,050,500” and inserting “41,450,500”.

5. Amend page 18, line 1, by striking out “41,050,500” and inserting “41,450,500”.

6. Amend page 18, line 8, by striking out “15,000,000” and inserting “15,400,000”.

7. Amend page 18, following line 18, by inserting:

“State emergency relief..... 400,000”.

8. Amend page 18, line 19, by striking out “35,000,000” and inserting “35,400,000”.

9. Amend page 18, line 23, by striking out “15,000,000” and inserting “15,400,000”.

10. Amend page 31, line 21, after “at” by striking out “\$221,377,925.00” and inserting “\$221,777,925.00” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Young.
 The question being on the adoption of the amendment,
 The amendment to the substitute was not adopted.
 Senator Young 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. 685**Yeas—14**

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

Nays—21

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

Excused—1

Vaughn

Not Voting—2

Bullard	Leland
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In The Chair: Schwarz

Senator Smith offered the following amendments to the substitute:

1. Amend page 21, line 1, by striking out all of section 114 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 43, line 17, by striking out all of section 530.

The amendments to the substitute were not adopted.

Senator Smith requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

Senator DeGrow moved to reconsider the vote by which the first set of amendments offered by Senator Smith were adopted.

The motion prevailed.

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 voting therefor, as follows:

Roll Call No. 686**Yeas—20**

Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—17

Bennett
Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Johnson
Koivisto

Leland
McCotter
Miller
Murphy

Peters
Scott
Smith
Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on the adoption of the amendments,

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 687**Yeas—18**

Bennett
Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Johnson
Koivisto
Leland

McCotter
Miller
Murphy
Peters

Schwarz
Scott
Smith
Young

Nays—19

Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman

McManus
North
Sanborn
Schuette
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved to reconsider the vote by which the second set of amendments offered by Senator Smith were not adopted.

The motion prevailed.

The question being on the adoption of the amendments,

The amendments to the substitute were adopted.

Senator Young offered the following amendments to the substitute:

1. Amend page 28, line 22, by striking out all of lines 22 through 23.

2. Amend page 28, line 24, by striking out “18,000,000” and inserting “24,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were not adopted.

Senator Young requested the yeas and nays.

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

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

Roll Call No. 688**Yeas—18**

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

Nays—19

Bennett	Garcia	McCotter	Sikkema
Bullard	Gast	McManus	Steil
DeGrow	Gougeon	Sanborn	Stille
Dunaskiss	Hoffman	Schuetz	Van Regenmorter
Emmons	Johnson	Schwarz	

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Protests

Senators Garcia and Sanborn, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Young to House Bill No. 4373.

Senator Garcia's statement, in which Senator Sanborn concurred, is as follows:

I voted "no" on this amendment because, while I support more money going to local government in essence, we know that the Governor will veto this line item. And that will mean that critically needed money will be delayed in getting to locals to fix the bridges that they need to fix now.

That's why I voted "no" for this amendment.

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. 689

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senator Emmons moved that the bill be given immediate effect.

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

Senator Emmons requested the yeas and nays.

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

The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 690

Yeas—36

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

DeGrow
Dingell
Dunaskiss
Emerson

Hammerstrom
Hart
Hoffman
Johnson

Murphy
North
Peters
Sanborn

Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—1

Schuette

In The Chair: Hoffman

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

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2002; to implement the appropriations within the budgetary process; to authorize certain land transfers; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Smith's statement is as follows:

It is my understanding that this is probably our last effort with the supplemental bill. When the majority put this bill on the floor a little while ago, we had a \$1.2 million provision for transition that is now out, leaving us with \$1.2 million that the majority was prepared to spend.

Not just a half-hour ago, we also cut \$400,000 for medical and mental health services for an immigrant and a low-income community for health services that are more critical in economically short times than they are in regular times. We had a \$1.2 million surplus—if you will—in the budget that was put on the floor just a few minutes ago, yet we couldn't find our way to put that \$400,000 back in for human services.

I am going to be supporting the supplemental, but I think it is really a miscarriage of our responsibility to the citizens of this state that when we do have money in the budget that we were not anticipating having to spend, and we take it out, leaving us with a surplus that we should have been able to use those dollars or at least a third of those dollars for something very appropriate, and that's spending on mental health and medical services.

The following bill was read a third time:

House Bill No. 4398, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2000 PA 297.

The question being on the passage of the bill,

Senator Schwarz offered the following substitute:

Substitute (S-3).

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. 691**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Emmons moved that the bill be given immediate effect.

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

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

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 101 (MCL 388.1701), as amended by 2002 PA 191.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Recess

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

The motion prevailed, the time being 12:59 p.m.

1:58 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

General Orders

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

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

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

House Bill No. 5103, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16261, 16323, and 16608 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, and 333.16608), section 16106 as amended by 1997 PA 153, sections 16108 and 16186 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, and section 16608 as amended by 1990 PA 216.

Substitute (S-1).

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

1. Amend page 20, line 18, after "ON" by striking out the balance of the line through "YEAR" on line 19 and inserting "ALL NET PATIENT REVENUE, BEFORE DEDUCTION OF EXPENSES, LESS MEDICARE NET REVENUE, AS REPORTED ON THE MOST RECENTLY AVAILABLE MEDICARE COST REPORT".

2. Amend page 20, line 26, by striking out all of lines 26 and 27 and inserting "MAINTAIN THE HOSPITAL MEDICAID REIMBURSEMENT RATE INCREASE FINANCED BY THE QUALITY ASSURANCE ASSESSMENT FEES."

3. Amend page 21, line 17, by striking out all of subsection (H) and inserting:

"(H) IN EACH FISCAL YEAR GOVERNED BY THIS SUBSECTION, THE QUALITY ASSURANCE ASSESSMENT FEE SHALL ONLY BE COLLECTED AND EXPENDED IF MEDICAID HOSPITAL INPATIENT DRG AND OUTPATIENT REIMBURSEMENT RATES, DISPROPORTIONATE SHARE HOSPITAL AND GRADUATE MEDICAL EDUCATION PAYMENTS ARE NOT BELOW THE LEVEL OF RATES AND PAYMENTS IN EFFECT ON APRIL 1, 2002 AS A DIRECT RESULT OF THE QUALITY ASSURANCE ASSESSMENT FEE COLLECTED UNDER SUBSECTION (1)(H)."

4. Amend page 21, line 21, after "SUBSECTION (1)(H)" by inserting a comma and "EXCEPT AS PROVIDED IN SUBDIVISION (J)".

5. Amend page 22, following line 9, by inserting:

"(J) THE QUALITY ASSURANCE ASSESSMENT FEE COLLECTED UNDER SUBSECTION (1)(H) SHALL NO LONGER BE ASSESSED OR COLLECTED AFTER SEPTEMBER 30, 2004, OR IN THE EVENT THAT THE QUALITY ASSURANCE ASSESSMENT FEE IS FOUND TO BE IN VIOLATION OF FEDERAL LAW OR REGULATION.

(K) IN FISCAL YEAR 2002-2003, \$18,900,000.00 OF THE QUALITY ASSURANCE ASSESSMENT FEE SHALL BE DEPOSITED INTO THE GENERAL FUND."

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 6114

House Bill No. 5466

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Hoffman, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 6114, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 3a.

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

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

House Bill No. 5466, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 46, 544c, and 590h (MCL 168.46, 168.544c, and 168.590h), section 544c as amended by 1999 PA 219, and section 590h as added by 1988 PA 116.

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

1. Amend page 9, following line 29, by inserting:

"Sec. 646a. (1) If a local officer is to be elected at a general November election or on the first Monday of April in an odd numbered year, candidates for the local office shall be nominated in the manner provided by law or charter. If the candidates are to be nominated at a fall primary election, the primary shall be held on the same day as is provided by law for holding the county or state primary election ~~prior to such~~ BEFORE THAT election, except as provided in section 646b. If the candidates are to be elected in April, the primary shall be held on the third Monday in February. If candidates for the local office are to be nominated at caucuses, the caucuses shall be held on a date ~~prior to~~ BEFORE the date set for the above mentioned primary election or on the Saturday preceding the day of the primary election as determined by the local legislative body at least 20 days preceding the date of the caucus. If candidates are nominated by filing petitions or affidavits, they shall be filed at a time provided by charter but not later than the date of the primary. If a local primary election is to be held on the same day as ~~any~~ A state or county primary election, the last day for local candidates to file nominating petitions shall be the same as the last date to file petitions for state and county offices. The names of all local candidates and titles of office shall be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees shall be made to ~~such~~ THAT clerk within 5 days after the date on which the primary or caucus was held.

(2) If ~~any~~ A local or county ~~questions are~~ QUESTION IS to be voted on at ~~any~~ A primary, special, or general election at which state officers are to be voted for, the ballot wording of the question shall be certified to the local or county clerk at least 70 days ~~prior to such~~ BEFORE THE election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 68 days ~~prior to~~ BEFORE the election. Petitions to place ~~any~~ A county or local ~~questions~~ QUESTION on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk. FOR THE YEAR 2002, THE CERTIFICATION AND FILING DEADLINES PRESCRIBED BY THIS SUBSECTION DO NOT APPLY TO A LOCAL OR COUNTY BALLOT QUESTION THAT IS REQUIRED TO BE PLACED ON THE BALLOT BY STATE STATUTE.

(3) The provisions of this section apply notwithstanding any provisions of law or charter to the contrary, unless an earlier date for the filing of affidavits or petitions, including nominating petitions, is provided in ~~any~~ A law or charter, in which case the earlier filing date is controlling."

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

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 6114

House Bill No. 5466

House Bill No. 5103

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

The following bill was read a third time:

House Bill No. 6114, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) 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. 692

Yeas—28

Bennett
Bullard

Emmons
Garcia

Johnson
Koivisto

Schuetz
Schwarz

Byrum
Cherry
DeGrow
Dunaskiss
Emerson

Gast
Goschka
Gougeon
Hammerstrom
Hoffman

Leland
McCotter
McManus
North
Sanborn

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—9

DeBeaussaert
Dingell
Hart

Miller
Murphy

Peters
Scott

Smith
Young

Excused—1

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.

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 cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”

The Senate agreed to the full title.

Protests

Senators Smith, Scott, Peters and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 6114.

Senator Smith’s statement, in which Senators Scott and Peters concurred, is as follows:

This bill amends the home rule charter act, and home rule was meant so that individuals within their communities could exercise their right to put issues on the ballot and to vote on those issues.

For the Legislature to interpose itself in a process—even though the citizens get to vote a question up or down, it’s not of their own initiative. I think that’s a real problem. I am going to oppose this bill.

Senators Scott and Hart moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Scott’s statement is as follows:

I would ask my colleagues to vote “no” on this. I think that the residents of Detroit, when they are ready to decide that they want a change into districts, they will vote on this. Remember they voted a few years ago, and they chose not to go with districts. I am sure there are pros and cons on both sides of it, but I have not had an overwhelming number of people call me to say that they want the state to decide whether or not they should go to districts or wards or whatever you choose to call it.

I would ask my colleagues not to—you know, we have so many things that deal with Wayne County and Detroit. I just think that most times you want hands off if it’s something to really help the city. But then there are other times when you want to go and decide their fate. So I would certainly ask that you not choose to deal with this, that you just vote “no” on it, and if the citizens of Detroit choose that this is what they want to do, I think they can do it on their own. I know some of them had some concerns regarding this committee that you are going to set up—a committee of three—and did not feel that it was balanced well enough. So I would hope that you would turn down this bill.

Senator Hart’s statement is as follows:

I think there are times when government gets involved in just a little too much—over the boundary if you will. The city of Detroit and the City Council can at any time do what you are trying to force upon them. Why don’t you people vote, and take it upon yourself to make a decision? It’s none of our business, number one. Let’s stay out of the city of Detroit’s business. It’s like going into any municipality and saying you have the latitude to do this. Yes, they have always had the latitude, so why should we force this election upon them?

The following bill was read a third time:

House Bill No. 5466, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 46, 544c, and 590h (MCL 168.46, 168.544c, and 168.590h), section 544c as amended by 1999 PA 219, and section 590h as added by 1988 PA 116.

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. 693

Yeas—28

Bennett	Emmons	Johnson	Schuette
Bullard	Garcia	Koivisto	Schwarz
Byrum	Gast	Leland	Shugars
Cherry	Goschka	McCotter	Sikkema
DeGrow	Gugeon	McManus	Steil
Dunaskiss	Hammerstrom	North	Stille
Emerson	Hoffman	Sanborn	Van Regenmorter

Nays—9

DeBeaussaert	Miller	Peters	Smith
Dingell	Murphy	Scott	Young
Hart			

Excused—1

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

Senator Emmons requested the yeas and nays.

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

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

Roll Call No. 694**Yeas—28**

Bennett	Emmons	Johnson	Schuette
Bullard	Garcia	Koivisto	Schwarz
Byrum	Gast	Leland	Shugars
Cherry	Goschka	McCotter	Sikkema
DeGrow	Gougeon	McManus	Steil
Dunaskiss	Hammerstrom	North	Stille
Emerson	Hoffman	Sanborn	Van Regenmorter

Nays—9

DeBeaussaert	Miller	Peters	Smith
Dingell	Murphy	Scott	Young
Hart			

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

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

A bill to amend 1954 PA 116, entitled “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,” by amending sections 46, 544c, 590h, and 646a (MCL 168.46, 168.544c, 168.590h, and 168.646a), section 544c as amended by 1999 PA 219, section 590h as added by 1988 PA 116, and section 646a as amended by 1990 PA 7.

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. 5103, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16261, 16323, 16608, and 20161 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, 333.16608, and 333.20161), section 16106 as amended by 1997 PA 153, sections 16108 and 16186 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16608 as amended by 1990 PA 216, and section 20161 as amended by 2002 PA 303.

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. 695**Yeas—25**

Byrum	Gast	Leland	Schwarz
Cherry	Gougeon	McManus	Scott

DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Hammerstrom
Hart
Hoffman
Koivisto

Miller
Murphy
North
Peters

Smith
Stille
Van Regenmorter
Young

Nays—12

Bennett
Bullard
Dunaskiss

Garcia
Goschka
Johnson

McCotter
Sanborn
Schuette

Shugars
Sikkema
Steil

Excused—1

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 not concurred in, 2/3 of the members serving not voting therefor.
Senator Emmons requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 696**Yeas—27**

Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson

Emmons
Gast
Gougeon
Hammerstrom
Hart
Hoffman
Koivisto

Leland
McManus
Miller
Murphy
North
Peters
Schwarz

Scott
Smith
Steil
Stille
Van Regenmorter
Young

Nays—10

Bennett
Dingell
Garcia

Goschka
Johnson
McCotter

Sanborn
Schuette

Shugars
Sikkema

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Gougeon 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 sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16261, 16323, 16608, and 20161 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, 333.16608, and 333.20161), section 16106 as amended by 1997 PA 153, sections 16108 and 16186 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16608 as amended by 1990 PA 216, and section 20161 as amended by 2002 PA 303.

The amendment to the title was adopted.

The Senate agree to the title as amended.

Protests

Senators Shugars, Sanborn, Goschka and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5103.

Senator Shugars’ statement, in which Senators Sanborn, Goschka and Johnson concurred, is as follows:

I voted “no” on the previous bill because I believe it is a bed tax, and I believe that there are no assurances for payers of health care that have patients in hospitals that their rates will not increase due to this tax increase to the hospitals. And so I voted “no” on that.

Also I think it’s unfortunate that the state of Michigan is forced to, like many other states, come up with a gimmick like this—a bed tax—so that they can get more of their fair share of the monies that are sent to Washington. I think that Washington should block grant these type of dollars, rather than coming up with methods that we have to increase taxes on our payers of health care. I just think it’s very unfortunate, with the limited amount of dollars in health care today, that we are forcing a new tax on our hospitals beds. So that’s the reason I voted “no.”

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 5883, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 237 (MCL 18.1237), as amended by 1999 PA 8, and by adding section 237b.

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 5883, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 237 (MCL 18.1237), as amended by 1999 PA 8, and by adding section 237b.

Substitute (S-1).

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

1. Amend page 9, line 27, after "2001" by striking out "and" and inserting a comma.
2. Amend page 10, line 1, after "2002" by inserting "AND FOR EACH FISCAL YEAR BEGINNING WITH THE FISCAL YEAR ENDING SEPTEMBER 30, 2004 AND ENDING WITH THE FISCAL YEAR ENDING SEPTEMBER 30, 2016".

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5883

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

The following bill was read a third time:

House Bill No. 5883, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 237, 353c, and 358 (MCL 18.1237, 18.1353c, and 18.1358), section 237 as amended by 1999 PA 8, section 353c as amended by 2001 PA 161, and section 358 as amended by 2000 PA 189, and by adding section 237b.

The question being on the passage of the bill,

Senator Smith offered the following amendment:

1. Amend page 10, line 15, by striking out enacting section 1.

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. 697

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Emmons moved that the bill be given immediate effect.

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

Senator Emmons requested the yeas and nays.

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

The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 698**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Hoffman

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

A bill to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 237, 353c, and 358 (MCL 18.1237, 18.1353c, and 18.1358), section 237 as amended by 1999 PA 8, section 353c as amended by 2001 PA 161, and section 358 as amended by 2000 PA 189, and by adding section 237b.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

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

Senate Bill No. 1102

Senate Bill No. 991

Senate Bill No. 1062

Senate Bill No. 1099

Senate Bill No. 1314

The motion prevailed.

Senate Bill No. 1232, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 6, 7a, 212, 306, 307, 309, 312e, 312f, 319, 319b, 319c, 321, 321b, 323c, 667, 668, 669, 670, 732, 904, and 907 (MCL 257.6, 257.7a, 257.212, 257.306, 257.307, 257.309, 257.312e, 257.312f, 257.319, 257.319b, 257.319c, 257.321, 257.321b, 257.323c, 257.667, 257.668, 257.669, 257.670, 257.732, 257.904, and 257.907), section 6 as amended by 1992 PA 297, sections 7a and 323c as amended by 1991 PA 100, section 212 as amended by 1980 PA 398, section 306 as amended by 1999 PA 40, sections 307 and 319 as amended by 2001 PA 159, section 309 as amended by 2000 PA 456, section 312e as amended by 2000 PA 158, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, section 319c as added by 1988 PA 346, section 668 as amended by 1980 PA 101, section 669 as amended by 1995 PA 248, section 732 as amended by 2001 PA 134, section 904 as amended by 2000 PA 77, and section 907 as amended by 2001 PA 214, and by adding sections 319g and 669a; and to repeal acts and parts of acts.

Substitute (H-1).

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

Senator Miller offered the following amendment to the substitute:

1. Amend page 55, following line 27, section 667a, subsection (6), after "YEARS." by striking out "HOWEVER, A DIAGNOSTIC REVIEW IS NOT REQUIRED IF THE INITIAL INVESTIGATION OF THE FATALITY INDICATES THAT CONSUMPTION OF ALCOHOL OR A CONTROLLED SUBSTANCE CONTRIBUTED TO THE FATALITY OR THAT THE FATALITY WAS A SUICIDE."

The amendment to the substitute was adopted.

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

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

Roll Call No. 699

Yeas—37

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

Nays—0

Excused—1

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 not concurred in, 2/3 of the members serving not voting therefor. Senator Emmons requested the yeas and nays. The yeas and nays were ordered, 1/5 of the members present voting therefor. The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 700**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title as amended.

Senate Bill No. 1201, entitled

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

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. 701**Yeas—37**

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

DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hart
Hoffman
Johnson
Koivisto

North
Peters
Sanborn
Schuette

Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

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

Senate Bill No. 477, entitled

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

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. 702

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn

Schuette
Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter

Nays—0

Excused—1

Vaughn

Not Voting—1

Young

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.

Senator Young stated that had he been present when the vote was taken on concurring in the House substitute to the following bill, he would have voted "yea":
Senate Bill No. 477

Senate Bill No. 965, entitled

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

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. 703

Yeas—37

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

Nays—0

Excused—1

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 House of Representatives requested the return of
Senate Bill No. 1268, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each

classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 18e (MCL 247.668e), as amended by 1985 PA 201.

Senator Emmons moved that the request of the House be granted.

The motion prevailed.

Senate Bill No. 112, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending sections 2, 3, 4, 10, and 12 (MCL 124.502, 124.503, 124.504, 124.510, and 124.512), section 2 as amended by 1995 PA 108 and section 10 as amended by 1985 PA 10.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 13, after "INCLUDES" by striking out the balance of the line through "EXERCISING" on line 14 and inserting "AN INDIAN TRIBE RECOGNIZED BY THE FEDERAL GOVERNMENT BEFORE 2000 THAT EXERCISES".

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

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

Senate Bill No. 116, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending the title and sections 1, 2, 3, 5, 6, 8, and 19 (MCL 446.201, 446.202, 446.203, 446.205, 446.206, 446.208, and 446.219), section 5 as amended by 1998 PA 233.

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

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

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

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

Senate Bill No. 217, entitled

A bill to regulate the servicing, repair, and maintenance of certain appliances and the compensation received by certain persons for those activities; to provide for certain disclosures and warranties regarding those activities; to limit certain representations by service dealers; and to provide for certain remedies.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 2, by striking out "'appliance repair act'" and inserting "'Joe Gagnon appliance repair act'".

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

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

Senate Bill No. 927, entitled

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

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 7, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2002."

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

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

Senate Bill No. 928, entitled

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

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

The House of Representatives has passed the bill as substituted (H-3) and ordered that it be given immediate effect.

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

Senate Bill No. 929, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act of 1965," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 31 (MCL 338.821, 338.822, 338.823, 338.824, 338.825, 338.826, 338.827, 338.829, 338.830, 338.831, 338.832, 338.833, 338.834, 338.836, 338.837, 338.838, 338.840, 338.841, 338.842, 338.843, 338.844, 338.845, 338.846, 338.847, 338.848, and 338.851).

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

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

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

Senate Bill No. 992, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as added by 2002 PA 30.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 9, by inserting:

"Enacting section 2. This amendatory act takes effect October 1, 2002."

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

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

Senate Bill No. 1230, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 1998 PA 393.

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. 1278, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 19 (MCL 208.19), as amended by 2001 PA 278.

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. 1301, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 18b (MCL 247.668b), as amended by 1985 PA 201.

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.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 5083, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2217. Senator Emmons moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute, as substituted, was concurred in.

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

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

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

Senator Emmons moved to reconsider the vote by which the substitute offered by Senator Bennett was adopted.

The motion prevailed.

The question being on the adoption of the substitute,

Senator Bennett withdrew the substitute.

Senator Bennett offered the following substitute to the House substitute:

Substitute (S-6).

The question being on the adoption of the substitute,

Senator Peters offered the following amendment to the substitute:

1. Amend page 1, line 2, after the second "INSTITUTION" by inserting "TO ESTABLISH A TEAM WITH MEDICAL AND SPECIAL EDUCATION EXPERTISE".

The amendment to the substitute was not adopted.

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 704**Yeas—15**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters
Scott

Smith
Stille
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Sanborn
Schuette

Schwarz
Shugars
Sikkema
Steil
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

The substitute to the substitute was adopted.

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 705**Yeas—15**

Bennett
Bullard
DeGrow
Emerson

Emmons
Gast
Gougeon
Hammerstrom

Hoffman
McCotter
McManus
North

Schwarz
Stille
Van Regenmorter

Nays—22

Byrum
Cherry
DeBeaussaert
Dingell
Dunaskiss
Garcia

Goschka
Hart
Johnson
Koivisto
Leland
Miller

Murphy
Peters
Sanborn
Schuette
Scott

Shugars
Sikkema
Smith
Steil
Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

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

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

House Bill No. 5468

House Bill No. 5467

The motion prevailed.

The following bill was read a third time:

House Bill No. 5468, entitled

A bill to amend 1982 PA 432, entitled “Motor bus transportation act,” by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

The question being on the passage of the bill,

Senator Cherry 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. 706**Yeas—20**

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

Nays—17

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

Excused—1

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 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 regulate persons who transport passengers by motorbus; to prescribe powers and duties for the state transportation department; to impose certain fees; and to impose penalties.”.

The Senate agreed to the full title.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5468.

Senator Cherry’s statement is as follows:

House Bill No. 5468 is a very technical bill in it’s own right. It’s not of great controversy; however, it does implement the next bill on the calendar. It seems to me, Mr. President, that by taking up item number 41, House Bill No. 5468, before the main bill, we’re really putting the cart before the horse. There are, in fact, concerns with the main bill, and for me personally, Mr. President, I didn’t feel comfortable voting for House Bill No. 5468 until I see the outcome of the main bill.

That was my reason for voting “no” on the bill.

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

The following bill was read a third time:

House Bill No. 5467, entitled

A bill to create the Detroit area regional transportation authority; to transfer certain powers of authorities to the Detroit area regional transportation authority; to provide regional transportation for senior citizens, citizens with disabilities, citizens without the economic means to provide their own personal transportation, and all other citizens; to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senators Sanborn, Johnson and Hammerstrom offered the following amendments:

1. Amend page 4, line 7, after “county” by inserting a comma and “city, township, village.”.
2. Amend page 13, following line 8, by inserting:

“(7) A city, township, or village may withdraw from the authority at any time by a majority vote of its governing body. A city, township, or village that withdraws from the authority under this subsection shall have no further direct or indirect tax liability to the authority.”.

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

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

The motion prevailed.

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

House Bill No. 5758

House Bill No. 5778

House Bill No. 5928

House Bill No. 5992

House Bill No. 6043

House Bill No. 5279

The motion prevailed.

The following bill was read a third time:

House Bill No. 5758, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5419 (MCL 324.5419), as added by 2001 PA 165; 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. 707

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5778, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 949 (MCL 600.949), as amended by 1980 PA 69.

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. 708

Yeas—36

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

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 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. 5928, entitled

A bill to amend 2000 PA 92, entitled “Food law of 2000,” by amending sections 1109, 1119, 3119, 4111, 4117, 6101, 6149, and 7101 (MCL 289.1109, 289.1119, 289.3119, 289.4111, 289.4117, 289.6101, 289.6149, and 289.7101); 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. 709

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; 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. 5992, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 3 (MCL 205.53), as amended by 1980 PA 164.

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. 710

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6043, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” (MCL 125.1651 to 125.1681) by adding section 3d.

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. 711**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

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

The following bill was read a third time:

House Bill No. 5279, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter II, section 2a of chapter IV, section 9a of chapter X, and sections 1 and 3c of chapter XI (MCL 762.13, 764.2a, 770.9a, 771.1, and 771.3c), section 13 of chapter II as amended by 1994 PA 286, section 9a of chapter X as amended by 2001 PA 208, and sections 1 and 3c of chapter XI as amended by 1998 PA 520.

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. 712

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

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

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

"An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties,

and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

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

House Bill No. 5819

The motion prevailed.

The following bill was read a third time:

House Bill No. 5819, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2012 and 2014 (MCL 339.2012 and 339.2014), as amended by 1992 PA 103.

The question being on the passage of the bill,

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

Roll Call No. 713

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; 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.

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

House Bill No. 5467, entitled

A bill to create the Detroit area regional transportation authority; to transfer certain powers of authorities to the Detroit area regional transportation authority; to provide regional transportation for senior citizens, citizens with disabilities, citizens without the economic means to provide their own personal transportation, and all other citizens; to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

(This bill was read a third time earlier today, amendments not adopted and consideration postponed. See p. 1518.)

Senators McCotter and Bullard offered the following substitute:

Substitute (S-5).

The question being on the adoption of the substitute,

Senators McCotter and Bullard offered the following amendment to the substitute:

- 1. Amend page 6, line 9, by striking out all of lines 9 and 10 and inserting a period.

The amendment to the substitute was adopted.

Senators Sanborn, Johnson and Hammerstrom offered the following amendments to the substitute:

- 1. Amend page 4, line 7, after “county” by inserting a comma and “city, township, village.”.

- 2. Amend page 13, following line 8 by inserting:

“(7) A city, township, or village may withdraw from the authority at any time by a majority vote of its governing body. A city, township, or village that withdraws from the authority under this subsection shall have no further direct or indirect tax liability to the authority.”.

The amendments to the substitute were not adopted.

Senator Shugars requested the yeas and nays.

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

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

Roll Call No. 714

Yeas—17

Bennett	Goschka	North	Sikkema
Emerson	Hammerstrom	Sanborn	Steil
Emmons	Johnson	Schuette	Stille
Garcia	Miller	Shugars	Van Regenmorter
Gast			

Nays—19

Bullard	Dunaskiss	Leland	Schwarz
Byrum	Gougeon	McCotter	Scott
Cherry	Hart	McManus	Smith
DeBeaussaert	Hoffman	Murphy	Young
Dingell	Koivisto	Peters	

Excused—1

Vaughn

Not Voting—1

DeGrow

In The Chair: Schwarz

Protest

Senator McCotter, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senators Sanborn, Johnson and Hammerstrom to House Bill No. 5467.

Senator McCotter's statement is as follows:

I would have loved to have voted for the amendment, however, having read the analysis and having an understanding of it, it would not have withstood constitutional challenge. My hands were bound, and believe me, if I could have put it in there, I would have put it in there.

Senator Cherry offered the following amendments to the substitute:

1. Amend page 24, line 4, by striking out all of section 17 and inserting:

“Sec. 17. (1) The authority shall have the right to bargain collectively and enter into agreements with labor organizations.

(2) The authority shall be bound by existing collective bargaining agreements and all arrangements under 49 U.S.C. 5333(b) with publicly or privately owned entities that are acquired, purchased, or condemned by the authority. Members and beneficiaries of any pension or retirement system established by the acquired, purchased, or condemned transportation system, and beneficiaries of any of the benefits established by the acquired, purchased, or condemned transportation system shall continue to have rights, privileges, benefits, obligations, and status under the acquired, purchased, or condemned pension or retirement system or benefits. The authority shall assume the obligations of public transportation facilities or transit systems that the authority acquires, purchases, or condemns with regard to all of the following:

(a) Wages and salaries.

(b) Hours and working conditions.

(c) Sick leave and health and welfare benefits.

(d) Pension or retirement benefits, including retiree health care benefits.

(3) No employee of an acquired, purchased, or condemned transportation system who is transferred to a position with the authority shall, by reason of the transfer, be placed in a worse position with respect to any of the following:

(a) Worker's compensation.

(b) Pension.

(c) Seniority.

(d) Wages.

(e) Sick leave.

(f) Vacation.

(g) Health and welfare benefits.

(h) Any other benefits that he or she enjoyed as an employee of the acquired, purchased, or condemned transportation system.

(4) Employees of an acquired, purchased, or condemned transportation system who left the acquired, purchased, or condemned transportation system to enter into military service of the United States shall have the same rights with respect to the authority under 1951 PA 263, MCL 35.351 to 35.356, as they would have had as employees of the acquired, purchased, or condemned transportation system.

(5) For federally funded activities, the authority shall enter into and comply with the arrangements that the U.S. secretary of labor certifies as fair and equitable in compliance with 49 U.S.C. 5333(b). Arrangements described in this subsection shall also apply to the operation by the authority or other transit system of any public transportation service or public transportation facility and to any contract or other arrangement for the operation of that public transportation service or public transportation facility authorized under this act.

(6) Before beginning to operate any new public transportation service or public transportation facility or entering into any contract or other arrangements for the operations of the public transportation service or public transportation facility, the authority shall extend to the employees providing public transportation directly for or by contract with the

authority, in order of the employee's seniority with the employee's employer, the first opportunity for reasonably comparable employment in any new jobs with respect to the operations for which the employee can qualify after a reasonable training period. The authority shall provide for the first opportunity required under this subsection in any contract to operate a new public transportation service or public transportation facility. Employers shall comply with all collective bargaining agreements in accordance with the national labor relations act, chapter 372, 49 Stat. 449, and the public employment relations act of 1947, 1947 PA 336, MCL 423.201 to 423.217

(7) In the event that an employee of SMART or the department of transportation of the city of Detroit is dismissed or laid off as a result of actions taken to implement the comprehensive regional public transportation service plan required by section 4(3), the authority shall extend to the employee the first opportunity for reasonably comparable employment in any new or vacant positions for which the employee can qualify after a reasonable training period with the employee's previous employer, the authority, and with any contractor with whom the authority enters into an agreement to operate a new public transportation service or facility. The priority in hiring will not extend to any individual who was dismissed from employment for just cause. This subsection does not require a contractor to recognize any labor organization that represented an employee who exercises his or her rights under this subsection, or to assume or to otherwise apply the terms and conditions of any collective bargaining agreement that was applicable to that employee.

Sec. 17a. (1) The authority shall provide a competitive process for the procurement of any public transportation or related service, which it shall conduct in accordance with all applicable state and federal requirements. The request for proposals or related documents shall specify the evaluation factors to be used in the determination of the most advantageous proposal, including cost, and shall identify the relative weight and order of importance of those factors. The authority may make its selection on the basis of the initial proposals submitted, or on the basis of the best and final offer the authority determines is within the competitive range based upon the proposer's initial submission.

(2) Before final selection of a bid under subsection (1), the authority shall prepare a cost analysis of the service to be performed under the contract. In making the cost analysis, the authority shall determine and consider the costs of monitoring and otherwise administering contract performance.

(3) The authority shall not enter into, renew, or extend any contract with a total value of more than \$100,000.00 after the effective date of this act unless all of the following conditions are met:

(a) The contractor and its subsidiaries, affiliates, principles, and managerial and supervisory employees do not have a record of serious or repetitive noncompliance with federal or state law regarding the operation of a business, including, but not limited to, laws concerning labor relations, occupational health and safety, environmental protection, nondiscrimination and affirmative action, and taxes.

(b) The contractor certifies that its hiring practices meet applicable nondiscrimination and affirmative action standards.

(4) After consulting the appropriate exclusive collective bargaining representatives of employees of SMART or DDOT, the authority shall, not less than 45 days before any solicitation of bids or proposals, provide appropriate information to those exclusive collective bargaining representatives for purposes of encouraging and assisting the employees and their exclusive collective bargaining representatives to submit proposals to provide the services being procured. The authority shall evaluate any proposals submitted by the employees or their exclusive collective bargaining representatives based on the factors established pursuant to subsection (1). Proposals by employees or their representatives may be made as a joint venture with other persons.

(5) Any exclusive collective bargaining representative of employees of SMART or DDOT may at any time before the date on which procurement proposals are due propose amendments to any relevant collective bargaining agreement to which the exclusive collective bargaining representative is a party, for the purpose of improving the cost competitiveness of their exclusive collective bargaining representative's proposal. Those amendments shall take effect only if the exclusive collective bargaining representative's proposal is selected by the authority for award.

(6) Any competitive service contract entered into pursuant to this section shall include provisions requiring the contractor to comply with its applicable obligations under section 17. This subsection does not require a successful contractor to assume or apply the terms and conditions of any collective bargaining agreement between SMART or DDOT.

(7) As used in this section, "DDOT" means the department of transportation of the city of Detroit.

2. Amend page 28, line 6, after "services" by inserting a comma and "other than services described in Section 17a,".

3. Amend page 29, following line 14, by inserting:

"(6) Section 17a, and not this section or section 21, shall apply to the provision of a public transportation service by a new provider of that service.".

4. Amend page 29, line 5, after "services" by inserting a comma and "other than services described in section 17a,".

5. Amend page 29, line 9, after "services" by inserting a comma and "other than services described in section 17a,".

6. Amend page 29, line 16, after "services" by inserting a comma and "other than services described in section 17a,".

The amendments to the substitute were not adopted.

Senators Sanborn, Hammerstrom and Johnson offered the following amendments to the substitute:

1. Amend page 11, line 1, after “and” by striking out “(6)” and inserting “(8)”.
2. Amend page 11, line 7, after “and” by striking out “(6)” and inserting “(8)”.
3. Amend page 11, following line 17, by inserting:

“(4) Subject to subsections (5) and (8), on January 1, 2005, and on January 1 every 4 calendar years after 2005, a county that does not contain a city with a population of more than 750,000 may withdraw from the authority by meeting both of the following:

(a) Within 60 days, the county board of commissioners by majority vote adopts a resolution to place the question of withdrawing from the authority on the ballot of the next regularly scheduled November general election in the county.

(b) A majority of the electorate approves of the question of withdrawal from the authority at the next regularly scheduled November general election.

(5) The question under subsection (4) shall be placed on the ballot in each county that does not contain a city with a population of more than 750,000 at the next November general election after the effective date of this act.” and renumbering the remaining subsections.

4. Amend page 11, line 18, after “subsection” by striking out “(6)” and inserting “(8)”.

The amendments to the substitute were adopted.

Senators Sanborn and Johnson offered the following amendment to the substitute:

1. Amend page 37, following line 19, by inserting:

“(9) SMART shall continue to provide transit services to any county that withdraws from the authority under section 5.”.

The amendment to the substitute was not adopted.

Senator Cherry moved to reconsider the vote by which the amendments he offered were not adopted.

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

Roll Call No. 715

Yeas—16

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

Nays—21

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

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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. 716**Yeas—20**

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

Nays—17

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

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Protests

Senators Cherry, Sanborn and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5467.

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

The motion prevailed.

Senator Cherry’s statement is as follows:

I rise to oppose adoption of the substitute. When this whole process started, what was being put forward to the Legislature was a proposal for a regional transportation authority in southeast Michigan. It would be one that would be able to coordinate services so that many populations that are in need of additional transportation services would be able to look to that agency to make sure that current services are done in a more efficient and effective way to provide services. It would also use the resources of the region to expand services so that populations in need of these services would have them available to them. But as this bill has moved through, what has recently been the case or demonstrated is that there really is a lack of consensus in the region itself for a regional approach.

What has happened, because of that lack of consensus not only on the outside of this institution, but within it, is now a bill that allows significant portions of the region just to opt out. That’s not a regional transportation service. We could

have an open county transportation service; we could have a Macomb County transportation service; we could have a Wayne County and city of Detroit, but none of those are regional. When you have less than that group, it is simply not a regional transportation authority.

I only represent a small sliver of this region. What I have heard continually from a number of organizations and individuals throughout southeast Michigan is that for mass transportation to flourish, move forward, there must be, there has to be a regional approach. What is before us today, and the substitute that we are about to vote on, is something that is dramatically less than a regional approach. I don't think we just ought to back away from that concept for the sake of getting something passed.

Either we do it right, or leave it alone and try it again at some future date. So I would, Mr. President, urge that the substitute not be adopted.

Senator Sanborn's statement, in which Senator Johnson concurred, is as follows:

I voted "no" on House Bill No. 5467 because I have serious concerns about bringing SMART and DDOT together under a new authority. I don't feel that sufficient consideration has been given to the potential effects this legislation will have on northern Macomb and other outlying communities.

I have tremendous fear that this will become a large, complicated bureaucracy which will offer little in the way of benefits and services for the people of my district, while forcing them to shoulder a disproportionate amount of the tax burden.

By unanimous consent the Senate returned to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 1354, entitled

A bill to establish the Amanda's fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

House Bill No. 5991, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9201 (MCL 440.9201), as amended by 2002 PA 18.

House Bill No. 5993, entitled

A bill to provide for and establish possession and ownership rights in special tools for use in the fabrication of metal parts under certain conditions; to require procedures to establish a lien; and to establish and maintain a lien on certain special tools.

Senate Bill No. 1359, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 25a and 36a (MCL 791.225a and 791.236a), section 25a as added by 1993 PA 184 and section 36a as amended by 1993 PA 346.

House Bill No. 6062, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 305 (MCL 331.1305), as amended by 1988 PA 502.

House Bill No. 5807, entitled

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending sections 8 and 12 (MCL 54.268 and 54.272), as amended by 1998 PA 5.

House Bill No. 5889, entitled

A bill to amend 1955 PA 10, entitled "An act to provide for the registration of historic sites," by amending the title and sections 1 and 2 (MCL 399.151 and 399.152) and by adding sections 3, 4, 5, 6, 7, 8, 9, and 10.

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

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

Senate Bill No. 1353, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

Substitute (S-1).

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

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

Senate Bill No. 1315, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8a (MCL 125.2688a), as amended by 2000 PA 259.

Substitute (S-3).

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

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

Senate Bill No. 1316, entitled

A bill to create and provide for the operation of the Michigan next energy authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to authorize the conveyance of state land and to confer authority and jurisdiction over state land to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property; to promote alternative energy technology and economic growth; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to provide for the conveyance of land transferred to the authority; to allow for the creation of a center to manage the authority's land; to convey state land; and to exempt property, income, and operations of an authority from tax.

Substitute (S-7).

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

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

House Bill No. 5336, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending sections 6, 12, 14, and 25 (MCL 397.176, 397.182, 397.184, and 397.195).

Substitute (S-2).

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

1. Amend page 6, line 6, after "A" by striking out "SINGLE".
2. Amend page 6, line 6, after "COUNTY" by inserting a comma and "HAVING A POPULATION OF AT LEAST 400,000 AND NOT MORE THAN 500,000 ON THE DATE THE AMENDATORY ACT THAT ADDED THIS SECTION BECAME EFFECTIVE,".

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

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 920, entitled**

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

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

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

A bill to authorize the state administrative board to convey certain properties in Branch county and in Wayne county; to prescribe conditions for the conveyances; to provide for disposition of the revenue from the conveyances; and to define the term "undeveloped property" in the Declaration of Restrictions applicable to the Westside Industrial Redevelopment Project U.R. Mich. 1-4 in which the Wayne county property is located; to authorize the state administrative board to transfer certain property between state departments; and to authorize the department of management and budget to dispose of certain buildings.

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

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. 233

The resolution consent calendar was adopted.

Senator Peters offered the following resolution:

Senate Resolution No. 233.

A resolution of tribute for Colonel Charles E. McGee, USAF (Ret.), National President of Tuskegee Airmen Inc.

Whereas, The members of the Michigan Senate offer recognition, commendation, and thanks to Colonel Charles Edward McGee, USAF (Ret.), for his many years of tireless dedication to his family and service to the communities, states, and nation in which he has lived; and

Whereas, Charles McGee's early years led him along a rocky road. In the midst of the Great Depression, he was raised by foster parents in a small town outside of Chicago. As a black student in a predominately white high school, his teenage years did not prove to be any easier as he was burdened with much isolation and castigation. Nonetheless, he managed to graduate an outstanding ninth in his class of 436; and

Whereas, His collegiate endeavors then began at the University of Illinois but were interrupted by the ensuing world war. Colonel McGee dutifully enlisted in the United States Army, entering the newly established segregated flight training program at the Tuskegee Institute in Alabama. He received advanced training at Selfridge Field north of Detroit before he was sent to Italy with the 302nd Fighter Squadron, one of four units comprising the all-black 332nd Fighter Group known as the Red Tails; and

Whereas, Colonel McGee's 30-year active duty career led him through combat tours in three wars amounting to an impressive 409 combat missions. He piloted numerous aircrafts, including the Bell P-39 Airacobra, the Republic P-47 Thunderbolt, and the North American P-51 Mustang, all during World War II. He then went on to fly the North American F-51 Mustang in the Korean War and the McDonnell Douglas RF-4C Phantom II in the Vietnam War; and

Whereas, Colonel McGee is a highly decorated individual, having earned the Presidential Unit Citation, the Army Commendation Medal, two Air Force Commendation Medals, 25 Air Medals, the Bronze Star, three Distinguished Flying Crosses, and the Legion of Merit with Oak Leaf Cluster. He is also a recipient of the Silver Beaver Award for his work with the Boy Scouts of America, the General Noel Parrish Award, and the National Aeronautic Association's Elder Statesman of Aviation; and

Whereas, Service to his community has been every bit as comprehensive as service to his country. After earning a Bachelor of Arts degree in business administration, Colonel McGee held many prestigious positions serving as director of real estate and purchasing for ISC Financial Corp., vice president of real estate for Interstate Securities Co., assistant director of administration for the city of Prairie Village, Kansas, and manager of Kansas City (Missouri) Downtown Airport. He has also held membership with the Alpha Phi Alpha Fraternity, Inc., the National Association for the Advancement of Colored People, the Air Force Association, the Military Order of World Wars, and Tuskegee Airmen Inc., of which he is the current president; and

Whereas, Charles McGee's greatest achievement, however, is without a doubt his loving family. He has had the opportunity to nurture his family as a devoted and caring husband, father, and grandfather. He has been blessed with a wonderful wife, the late Frances Edwina Nelson, as well as three children and ten grandchildren; now, therefore, be it Resolved by the Senate, That Colonel Charles E. McGee, USAF (Ret.), be honored and held in highest esteem by the Michigan Senate for his life of unrelenting service, accomplishment, and determination; and be it further

Resolved, That a copy of this resolution be transmitted to Colonel Charles E. McGee as a symbol of our respect for his many years of dedicated service.

Senators Shugars, Goschka, Murphy, Scott, Young, DeBeaussaert and Smith were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I would just like to acknowledge that today visiting me and the Senate were the Pershing High School National Honor Society, and with them was Bonique Johnson, the flutist, and her accompanist Mr. Presnell. Also accompanying them was Bishop Jesse L. King, Mohammed Shabazz, Detroit Police Officer Alonzo Jones, and there were several of the Honor Society students who attended.

Also I would like to let my colleagues know that I will be introducing a resolution to have the National Guard come to Highland Park. The city is closing down. As I indicated, if I didn't get the \$5 million, she was going to have to close the city. So she will be closing the city, and I understand that we will not have any police in about a week. They have not gotten paid in several weeks, so I am asking that the National Guard come in, and I will introduce that resolution tomorrow.

Now, I noticed that we got very involved with Detroit today, so I am asking you to get very involved with Highland Park in a very meaningful way. You took away their home rule today by voting to allow them to have districts, something they could have done on their own. Well, I have been asking the state since '95 to step into Highland Park, and since they haven't, now we are at our lowest. And you still don't wish to step in.

I have a letter here from the Highland Park Public Safety, letting me know that the layoffs will be scheduled to take effect June 14, and they still haven't gotten paid. Counties automatically step in when we don't have any police protection, but we have to pay the county. They just paid the county over \$200,000, and we don't have any money to pay anyone. So that's why I am asking now that we get the National Guard to come in, and hopefully, you will have an open mind tomorrow to make sure there is police protection not only for the 16,500 residents of Highland Park, but for all of those who come through the city of Highland Park. In order to go to downtown Detroit, you do have to go through the city of Highland Park.

So I would hope that my colleagues would be very understanding, since they haven't in the past. But hopefully, they will on tomorrow.

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

Senator Johnson introduced
Senate Bill No. 1374, entitled

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 7 (MCL 830.417), as amended by 1994 PA 252.

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

House Bill No. 5958, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8313, 8314, 8327, 8329, 8333, and 30113 (MCL 324.8313, 324.8314, 324.8327, 324.8329, 324.8333, and 324.30113), section 30113 as amended by 1995 PA 171, and by adding part 33 and section 8316a; and to repeal acts and parts of acts.

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

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

House Bill No. 5999, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4072 (MCL 500.4072), as amended by 1986 PA 318.

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

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

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, 16908, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, 324.16908, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17 and section 16908 as amended by 1995 PA 268; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, June 4, 2002, at 1:30 p.m., Room 210, Farnum Building

Present: Senators Sikkema (C), Dunaskiss and Peters

Excused: Senators Gast and Young

The Committee on Government Operations reported

House Bill No. 5466, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 46, 544c, and 590h (MCL 168.46, 168.544c, and 168.590h), section 544c as amended by 1999 PA 219 and section 590h as added by 1988 PA 116.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 6114, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 3a.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, June 4, 2002, at 3:00 p.m., Room 100, Farnum Building

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

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 6:05 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, June 6, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

