

**No. 1**  
**STATE OF MICHIGAN**  
**Journal of the Senate**

**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Wednesday, January 12, 2005.

12:00 noon.

In conformity with the requirements of the Constitution of the state of Michigan, the Senators of the 93rd Legislature of the state of Michigan assembled in the Senate Chamber in the Capitol at Lansing this day (being the second Wednesday of January 2005), at twelve o'clock noon, and were called to order by the President pro tempore, Senator Patricia L. Birkholz.

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

<b>District</b>	<b>Name</b>	<b>District</b>	<b>Name</b>
1st	Hansen Clarke	20th	Thomas M. George
2nd	Martha G. Scott	21st	Ron Jelinek
3rd	Irma Clark-Coleman	22nd	Valde Garcia
4th	Samuel Buzz Thomas III	23rd	Virg Bernero
5th	Burton Leland	24th	Patricia L. Birkholz
6th	Laura M. Toy	25th	Judson S. Gilbert II
7th	Bruce Patterson	26th	Deborah Cherry
8th	Raymond E. Basham	27th	Robert L. Emerson
9th	Dennis Olshove	28th	Kenneth R. Sikkema
10th	Michael Switalski	29th	Bill Hardiman
11th	Alan Sanborn	30th	Wayne Kuipers
12th	Michael D. Bishop	31st	James A. Barcia
13th	Shirley Johnson	32nd	Mike Goschka
14th	Gilda Z. Jacobs	33rd	Alan L. Cropsey
15th	Nancy Cassis	34th	Gerald Van Woerkom
16th	Cameron Brown	35th	Michelle McManus—excused
17th	Beverly S. Hammerstrom	36th	Tony Stamas
18th	Liz Brater	37th	Jason E. Allen
19th	Mark Schauer	38th	Michael A. Prusi

Pastor Alex Crittenden of the Pilgrim Baptist Church of Port Huron offered the following invocation:

We give honor to God the Father, Son, and the Holy Spirit. We ask that You would be One in the midst today; that You would guide these men and women that they might do those things according to Your will.

Give them strength in times of trouble. Give them courage in times of despair. Guide them, direct their lives, care for them, their loved ones, and their families. Give them all the things You see them standing in the need of.

All to the honor and the glory of Your Son, Christ Jesus, for it's in his name we pray. We give God the glory. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance* and the *Pledge of Allegiance to the Flag of Michigan*.

### **Motions and Communications**

Senator Hammerstrom moved that Senator McManus be excused from today's session.  
The motion prevailed.

By unanimous consent the Senate proceeded to the order of

#### **Resolutions**

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

Senator Hammerstrom offered the following resolution:

#### **Senate Resolution No. 1.**

A resolution notifying the Governor and the House of Representatives that the Senate is ready to proceed with the business of the session.

Resolved by the Senate, That the Secretary of the Senate inform the Governor and the House of Representatives that a quorum of the Senate is present and that the Senate is ready to proceed with the business of the session.

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

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

The resolution was adopted.

Senator Hammerstrom offered the following resolution:

#### **Senate Resolution No. 2.**

A resolution for the adoption of the Standing Rules of the Senate.

Resolved by the Senate, That the following rules be and are hereby adopted as the Standing Rules of the Senate:

### **SENATE RULES CHAPTER I - SECTION 1 SENATE ORGANIZATION**

#### **1.101 PRESIDING OFFICER**

a) The Lieutenant Governor shall be the President of the Senate and shall preside over all sessions of the Senate or, in his or her absence, the President pro tempore, Assistant President pro tempore, or Associate President pro tempore shall preside.

b) The Lieutenant Governor may vote only when the Senators are equally divided in their vote (see Const. Art. 5, Sec. 25).

c) In the absence of the President of the Senate, President pro tempore, Assistant President pro tempore, or Associate President pro tempore, the Secretary of the Senate shall preside until the Senate shall appoint a Senator to act as presiding officer or until the President of the Senate, President pro tempore, Assistant President pro tempore, or Associate President pro tempore shall appear. In the absence of all, or all but one Senator, the Secretary of the Senate shall preside.

#### **1.102 AUTHORITY OF THE PRESIDENT OF THE SENATE**

a) The presiding officer shall call the Senate to order at the hours provided by the Constitution, by these rules, or at the hour established by the Senate at its last meeting.

b) Unless Rule 1.205 b) is in effect, following the invocation and Pledge of Allegiance, the presiding officer shall instruct the Secretary of the Senate to record the attendance. The attendance shall be taken by using the electronic

voting system for one minute, except for the first session in January or if the electronic voting system is not operational, the presiding officer shall instruct the Secretary of the Senate to call the roll orally and record and announce the results.

#### **1.103 THE PRESIDENT OF THE SENATE'S CONTROL WITHIN THE CHAMBER**

The presiding officer shall preserve order and decorum and shall have general control within the Chamber. During every session of the Senate, the Sergeant at Arms is under the direct supervision of the presiding officer. Every question of order and procedure shall be decided by the presiding officer, subject to an appeal by the Senate.

#### **1.104 ELECTION OF SENATE OFFICERS**

a) A President pro tempore, Assistant President pro tempore, and Associate President pro tempore shall be elected by a vote of a majority of the Senators elected and serving. They shall be elected at the first session of a quadrennium. All officers elected by the Senate are to hold office until their successors are elected and qualified or until the expiration of their term, whichever occurs first.

b) Prior to the commencement of the quadrennium session, the majority party shall meet in an organizational caucus and elect a Majority Leader, Majority Floor Leader, Majority Whip, Majority Caucus Chairperson, Assistant Majority Leader, Assistant Majority Floor Leader, Assistant Majority Whip, and Assistant Majority Caucus Chairperson. At a similar organizational caucus, the minority party shall elect a Minority Leader, Minority Floor Leader, Minority Whip, Minority Caucus Chairperson, Assistant Minority Leader, Assistant Minority Floor Leader, Assistant Minority Whip, and Assistant Minority Caucus Chairperson.

c) All majority party Senate Officers shall serve at the pleasure of the majority party caucus. All minority party Senate Officers shall serve at the pleasure of the minority party caucus.

d) All majority and minority caucuses shall be subject to the provisions of Section 8 of the Open Meetings Act (see MCL 15.268).

#### **1.105 APPOINTMENT OF COMMITTEES**

a) The Senate Majority Leader shall appoint all committees except when the Senate shall otherwise order. Except for the Appropriations Committee, the Senate Majority Leader may appoint subcommittees of standing committees when some of the members of that subcommittee are not also members of that standing committee. Such subcommittees shall contain at least one majority member and one minority member who are members of that standing committee and shall have one more majority party member than minority party member.

b) The Senate Majority Leader shall make appointments of minority party members from a list submitted by the Senate Minority Leader, and shall consider the preferences, seniority, and experience of the members in making appointments. The Senate Majority Leader may accept the list submitted by the Senate Minority Leader in whole or in part. If the Senate Majority Leader rejects names on the list and their corresponding committee assignments, the Senate Minority Leader shall submit replacement nominations.

c) All appointments to standing and select committees and subcommittees appointed by the Senate Majority Leader shall be subject to the approval of the Senate given by a majority of the Senators elected and serving. All appointments to conference committees shall be effective upon appointment by the Senate Majority Leader until disapproved by the Senate given by a majority of the Senators elected and serving.

#### **1.106 ELECTION OF A SECRETARY OF THE SENATE**

A Secretary of the Senate shall be elected as an officer of the Senate. The Secretary of the Senate shall take and subscribe to the Constitutional Oath of Office for the true and faithful discharge of the duties of office. The Secretary of the Senate is responsible for the constitutional and statutory duties of this office and is also authorized to sign papers, forms, documents and contracts on behalf of the Senate.

#### **1.107 SENATE PARLIAMENTARIAN**

The Secretary of the Senate, or a member of the staff of the Secretary of the Senate, shall serve as the Senate Parliamentarian to advise the Senate on questions relating to parliamentary law and procedure.

#### **1.108 SENATE BROADCAST**

The Secretary of the Senate, with the concurrence of the Senate Majority Leader, is authorized to broadcast Senate session.

#### **1.109 SENATE JOURNALS**

a) The Secretary of the Senate shall keep a correct Journal of each day's proceedings of the Senate, supervise its publication, and make corrections from day to day as may be necessary. During the consideration and passage of appropriation bills, the Secretary of the Senate is authorized to correct totals that may have been affected by amendments made to items in the bill. The corrections shall be made in the bill and the Journal.

b) The Secretary of the Senate shall have copies of the Journal distributed to the offices of the President of the Senate and Senators daily, and shall make copies available to the general public.

c) When the Senate goes into Executive Session, the proceedings of the Senate shall be kept in a separate Journal, which shall be open to inspection by Senators only, unless otherwise ordered. Such Journal shall be published after the close of the session, at the end of the regular Journals of the Senate proceedings, unless otherwise ordered by the Senate.

### **1.110 INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

a) All bills and joint resolutions to be introduced shall be submitted to the Secretary of the Senate to be available for introduction on the next succeeding Senate legislative day, and accompanied by 12 true copies. Once submitted to the Secretary of the Senate, all bills and joint resolutions become the property of the Senate and cannot be withdrawn. Each bill, conference report, substitute bill and joint resolution shall be approved as to form and numbering of sections by the Legislative Service Bureau prior to being submitted for introduction. Bills and joint resolutions may be submitted for introduction during the interim between sessions.

b) Each Senate bill and joint resolution when introduced and each House bill and joint resolution when first received from the House shall be read a first and second time by title.

c) Senators may move to co-sponsor a Senate bill or Senate joint resolution when it is in possession of the Senate and not in a Senate committee. The first named member is the sponsor. After final passage of a Senate bill or adoption of a Senate joint resolution, or upon final action on a Senate bill or Senate joint resolution returned from the House, the presiding officer may open the voting board to allow Senators to add their names as co-sponsors. A sponsor or co-sponsor may move to remove his or her name from a Senate bill or Senate joint resolution when it is in possession of the Senate and not in a Senate committee, provided that at least one Senator remains listed as the sponsor.

### **1.111 NUMBERING, LETTERING AND PRINTING OF BILLS AND JOINT RESOLUTIONS**

a) The Secretary of the Senate shall assign Senate bill numbers to all Senate bills in the order they are submitted for introduction. All joint resolutions shall be assigned letters in the order they are submitted for introduction.

b) The Secretary of the Senate shall attend to the printing or reproduction of all bills, joint resolutions, acts, or documents ordered printed or reproduced by the Senate. The heading of every bill and joint resolution ordered reproduced shall contain the number of the bill or letter of the joint resolution, name of the Senator or Senators introducing the bill or joint resolution, date of introduction, and the name of the committee to which the bill or joint resolution is referred (see Const. Art. 4, Sec. 26).

### **1.112 ANNOUNCEMENT OF PRINTING AND ENROLLMENT OF BILLS AND JOINT RESOLUTIONS**

The Secretary of the Senate shall print in the Journal each day the number of all Senate and House bills and letters of all joint resolutions which have been printed or reproduced and distributed to the offices of the President of the Senate and Senators, and the numbers of the Senate bills which have been enrolled and presented to the Governor.

### **1.113 CARE AND PRESERVATION OF BILLS AND RESOLUTIONS**

The Secretary of the Senate shall be responsible to the Senate for the care and preservation of every bill and resolution introduced in the Senate and each bill and resolution received from the House, which responsibility shall only be relieved by a receipt from an authorized person.

### **1.114 ENROLLMENT OF BILLS AND PRESENTATION TO THE GOVERNOR**

a) After a Senate bill has passed both Houses, the Secretary of the Senate shall attend to the enrollment printing. The Secretary of the Senate shall present the enrolled bill to the Governor, obtaining a receipt, on which the exact date and time shall be shown for the bill deposited in the Executive Office.

b) The Secretary of the Senate may be authorized by a motion to enroll a Senate bill while the Senate is not in session if that bill has passed both Houses and no action is pending. The Secretary of the Senate shall notify the Senate of such action on the next Senate legislative day.

c) When a Senate bill is approved by the Governor, the Secretary of the Senate shall obtain a receipt from the Governor's office verifying the exact date and time the bill was filed with the Secretary of State. At the end of each year, the Secretary of the Senate shall deposit with the Secretary of State the official printed copy of the Senate bill as passed by both Houses and obtain a receipt.

### **1.115 ENROLLMENT OF JOINT RESOLUTIONS**

a) After a Senate joint resolution has been adopted by both Houses, the Secretary of the Senate shall attend to the enrollment printing. The Secretary of the Senate shall certify and file the enrolled joint resolution with the Secretary of State and others as directed by the joint resolution.

b) The Secretary of the Senate may be authorized by a motion to enroll a Senate joint resolution while the Senate is not in session if that joint resolution has been adopted by both Houses and no action is pending. The Secretary of the Senate shall notify the Senate of such action on the next Senate legislative day.

c) When filing an enrolled Senate joint resolution with the Secretary of State, the Secretary of the Senate shall obtain a receipt verifying the exact date and time filed. At the end of each year, the Secretary of the Senate shall deposit with the Secretary of State the official printed copy of the Senate joint resolution and obtain a receipt.

### **1.116 BILL AND RESOLUTION HISTORY**

The Secretary of the Senate shall keep a record and index of all bills and resolutions received by the Senate. This record shall include the title, bill or resolution number, joint resolution letter, name of the Senator or Senators introducing the bill or resolution, name of the committee to which the bill or resolution is referred, and an entry of all action, including the date, taken on the bill or resolution.

### **1.117 SENATE ADMINISTRATION AND OFFICE BUDGETS**

a) The Senate Majority Leader shall assign duties to Senate employees not specified by other rules, and shall approve all expenses for the operation of the Senate, except as provided by law.

b) In the absence of the Senate Majority Leader, the Assistant Majority Leader shall assume the duties and responsibilities of the Senate Majority Leader.

c) The Secretary of the Senate shall create a budget with the concurrence of the Senate Majority Leader, discuss it with the Senate Minority Leader and present it to the Committee on Appropriations at the beginning of each budget year. The form of the budget shall parallel, as closely as practical, the departmental budgets presented to the Committee on Appropriations.

d) The Senate financial records shall be open for public inspection. Upon a request that describes the financial record sufficiently to enable the Senate to find the financial record, a person has a right to inspect, copy, or receive copies of that financial record of the Senate. Documents shall be available for inspection during normal business hours. The Secretary of the Senate shall keep a record of these requests. A copy of the Senate financial records shall be on file with the Secretary of the Senate, who shall have overall authority to administer the Senate financial records under the direction of the Senate Majority Leader. The Secretary of the Senate shall provide to each Senator access to information regarding the status of the Senator's staff account, office operations account, and committee operations account for any standing committee that he or she chairs. The Senate Majority Leader shall have access to the reports for the accounts of all Senators.

1) When the Senate receives a written request for a public record it shall immediately, but not more than 5 business days after the day the request is received unless otherwise agreed to in writing by the person making the request, respond to the request by 1 of the following:

A) Grant the request.

B) Issue a written notice to the requesting person denying the request.

C) Grant the request in part and issue a written notice to the requesting person denying the request in part.

D) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Senate shall respond to the request. The Senate shall not issue more than 1 notice of extension for a particular request.

If the Senate fails to respond to the written request within these guidelines, there will be a fine of \$250 and all Senate copying and inspection fees shall be waived.

2) As used in this section, "financial record" means a budget, account, contract, purchase order, an expenditure authorization, voucher, check, warrant, lease, audit report, balance sheet, travel voucher, or other such summaries of financial transactions.

The following information contained in Senate financial records is exempt from disclosure under this rule:

A) Information of a personal nature contained in financial records where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. Such exempt information would include, but not be limited to, the following:

(i) An employee's social security account number, financial institution record, electronic transfer fund number, deferred compensation, savings bonds, W-2 and W-4 forms, and any court enforced judgment.

(ii) An employee's benefit selection.

(iii) Telephone bill detail including the telephone number and name of individual called.

(iv) Unemployment compensation and workers' disability compensation records.

B) Records and information specifically described and exempted from disclosure under statute or subject to attorney-client privilege.

C) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.

D) Commercial or financial information or trade secrets voluntarily provided to the Senate for use in developing government policy if submitted upon a promise of confidentiality by the Senate.

E) Communications, notes, and electronic data within the Senate or between the Senate and other public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to the final Senate determination of policy or action.

3) The Senate may charge a reasonable fee for providing a copy of a financial record. The fee shall be limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

4) The Senate may also charge a reasonable fee for providing for the inspection of financial records. This fee may include the actual incremental cost of supervising the inspection including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

The Senate may adopt any such other rules and policies as are necessary to provide for the orderly dissemination of materials to the public.

e) Each Senator shall be allotted separate budget amounts for the annual staff account and the annual office operations account, as determined by the Senate Majority Leader, to be used on a fiscal year basis. Each standing committee chairperson shall be allotted a separate budget amount for the annual committee operations account, as

determined by the Senate Majority Leader. The amounts allocated to these accounts may be adjusted for all Senate offices by the Senate Majority Leader. Any unused amount in a fiscal year shall not be carried into the succeeding year. A Senator shall not exceed the annual limits for each of these accounts without approval of the Senate Majority Leader.

f) The Senate Majority Leader shall establish guidelines to allow Senators to transfer a limited amount of funds between their own staff account and their office operations account.

#### **1.118 SECRETARY OF THE SENATE ADMINISTRATIVE DUTIES**

a) With the approval of the Senate Majority Leader, the Secretary of the Senate shall appoint a staff to conduct the business of the Senate.

b) The Secretary of the Senate shall exercise supervisory care and control of the Senate Chamber, all Senate rooms, corridors, furniture, and equipment. Upon approval of the Senate Majority Leader, the Secretary of the Senate shall purchase all necessary furniture, carpet, equipment, postage, supplies, and services for use by the Senate.

c) The Secretary of the Senate shall install and maintain any equipment approved for use by the Senate.

d) The Secretary of the Senate shall have responsibility for the development and maintenance of a system for preserving records of the Senate and its committees. The Secretary of the Senate shall issue guidelines for the organization and preservation of these records.

e) The Secretary of the Senate shall be responsible for keeping the Senate seal and for affixing the Senate seal to official Senate documents, as authorized by the Senate Majority Leader. The Senate seal shall be comprised of the coat of arms of the State of Michigan encompassed by the words: "Senate - State of Michigan".

f) The Secretary of the Senate shall maintain a schedule of Senate committee rooms.

g) The Secretary of the Senate shall make and maintain an official tape of all sessions of the Senate. Copies of the official tape shall be made only upon application approved by the Senate Majority Leader. All official tapes of the Senate sessions shall be transferred to the State Archives four years following the end of each biennial session of the Senate.

h) The Secretary of the Senate shall compile and maintain a list of appointments by the Governor subject to the advice and consent power of the Senate. This list shall contain the name and function of the office, the holder of the office, the date of appointment, and the expiration date of the officeholder's term. This list shall be posted on the Senate Website.

i) The Secretary of the Senate shall compile and maintain a list of the appointments that the Senate Majority Leader or the Senate Minority Leader are authorized to make to various boards and commissions. This list shall contain the name and function of the office, the holder of the office, the date of appointment, and the expiration date of the officeholder's term. This list shall be posted on the Senate Website.

#### **1.119 DUTIES OF THE SERGEANT AT ARMS**

a) The Sergeant at Arms shall be the chief security officer of the Senate. Under the direction of the Senate Majority Leader, the Secretary of the Senate shall supervise and direct the work of the Sergeant at Arms, Assistant Sergeants at Arms, and Pages and may commission the Sergeant at Arms and Assistant Sergeants at Arms, who meet the certification requirements of this state, as law enforcement officers with the powers provided under the Legislative Sergeant at Arms Police Powers Act (see MCL 4.381-4.382).

b) The Sergeant at Arms shall attend the Senate during its sessions and maintain order under the direction of the presiding officer. The Sergeant at Arms shall execute the commands of the presiding officer and of the Senate, and all processes issued by authority thereof.

c) The Sergeant at Arms shall have general charge, and maintain order, in the gallery, Chamber, and committee rooms of the Senate. The Sergeant at Arms shall see that all staff and visitors are seated.

#### **1.120 EXECUTIVE SESSION**

On a motion made and carried that the Senate go into executive session, the presiding officer shall direct all persons, except Senators, the Secretary of the Senate, and personnel as authorized by the Senate, to withdraw. The vote of a majority of the Senators voting shall be required on a motion for executive session, except for executive sessions called under Rule 2.104. During an executive session, the doors shall remain closed and every Senator and officer shall keep confidential all proceedings and matters enjoined by order of the Senate (see Const. Art. 4, Sec. 20).

### **CHAPTER I - SECTION 2 MEMBER RESPONSIBILITIES**

#### **1.201 OATH OF OFFICE**

The oath of office to Senators-elect shall be administered following the November general election up to and including the first day of regular session, or as soon thereafter as a Senator-elect may appear. The oath shall be administered by the Lieutenant Governor, a Justice of the Supreme Court, a Judge of the Court of Appeals, or the Secretary of the Senate (see Const. Art 11, Sec.1).

#### **1.202 CONTESTED ELECTIONS**

a) A petition for a recount shall be filed not later than 48 hours following the completion of the canvass of the votes cast at an election. A copy of the petition shall be given by the contestant to the Secretary of the Senate (see MCL 168.879). Notice of receipt of the petitions shall be announced by the Secretary of the Senate and printed in the Journal.

b) Each contestant requesting a recount shall deposit with the Secretary of State, Bureau of Elections, the amount provided by law for each precinct in which he or she has requested a recount (see MCL 168.881).

c) Upon completion of a recount, the Board of State Canvassers shall forward a report of the results to the Secretary of the Senate and the report shall be announced by the Secretary of the Senate and printed in the Journal (see MCL 168.879).

d) In the case of two or more persons having equal and the highest number of votes for any office, as canvassed by the Board of State Canvassers, the Board of State Canvassers shall certify the result of the canvass to the Legislature and in joint convention the Legislature shall choose one of said persons to fill the office. When the determination of the Board of State Canvassers is contested, the Legislature in joint convention shall decide which person is elected (see MCL 168.846).

### **1.203 PROCEDURE FOR EXCLUSION**

a) A Senator-elect shall not be given the oath of office or seated as a Senator if he or she has been convicted of subversion or has, within the preceding 20 years, been convicted of a felony involving breach of the public trust (see Const. Art. 4, Sec. 7). Upon finding by a majority vote of the Senators elected and serving that a Senator-elect has committed an offense within the provisions of this rule, he or she shall be declared to be unqualified for membership in the Senate and his or her office declared vacant.

b) Questions arising from challenges to the elections or returns of its members shall be decided by a vote of a majority of the Senators elected and serving (see Const. Art. 4, Sec. 16). In cases of contested elections or returns, notice setting forth the grounds of the contest shall be given by the contestant to the Secretary of the Senate not later than January 7 following the general election, or not later than 20 days following the special election.

c) The Senate, with concurrence of two-thirds of its members elected and serving, may expel a member. The reasons for such expulsion shall be printed in the Journal (see Const. Art. 4, Sec. 16).

### **1.204 EXCUSED ABSENCE**

The Senate may excuse any Senator from attendance for any stated period, and the excused absence shall be printed in the Journal. The Senate may revoke an excuse at any time.

### **1.205 SENATORS DEEMED PRESENT UNLESS EXCUSED**

a) A Senator who answers an attendance roll call or who enters after an attendance roll call and reports his or her presence to the Secretary of the Senate shall be considered present thereafter unless an excused absence is granted.

b) A Senator may be recognized prior to the invocation and the attendance roll call only for the purpose of presenting a motion to adjourn. Should such a motion to adjourn prevail, there shall be no official invocation and attendance roll call for that day.

### **1.206 COMPENSATION FOR SENATORS**

The compensation of Senators is determined by the State Officers Compensation Commission, as provided by law. Senators shall not collect from the Senator's staff account any compensation, expense allowance, or mileage reimbursement.

### **1.207 FACILITIES FOR SENATORS**

Each Senator shall be entitled to facilities, equipment, furnishings, and expenses that are necessary to fulfill the duties of office. The location of facilities and the sufficiency of equipment, furnishings, and expenses shall be determined through guidelines issued by the Senate Majority Leader.

### **1.208 EXPENSE REIMBURSEMENT**

Expense reimbursement for travel, lodging, meals, registration fees, and related items shall be made in accordance with an established set of regulations as determined and published by the Senate Majority Leader. The regulations shall set forth the guidelines for amounts, methods of payment, and time of payment for such items. When, in the judgment of the Senate Majority Leader, the regulations need revision, the Senate Majority Leader may make the revision upon 15-day notice to all Senators. The regulations shall include the following:

a) Out-of-state expenses of a Senator, or Senate employee, shall not be paid by the Senate unless a written request has been approved by the parties specified in the regulations and by the Senate Majority Leader, and has been filed with the Secretary of the Senate prior to departure.

b) The request shall state the purpose for making the trip, the relevance of the trip to legislative matters, and an estimate of the cost.

c) A Senator, or Senate employee, shall file a written and signed post-travel report with the Secretary of the Senate not more than 20 calendar days after returning. These reports shall be retained by the Secretary of the Senate until no longer required by law. If a report is not filed within 20 calendar days after returning, expenses may not be reimbursed by the Senate. Senate funds received in advance of departure shall be returned in full if the report is not filed within 20 calendar days after returning. The report shall include a summary of the relevant legislative information, material pertinent thereto, and itemized expenditures.

d) An expenditure for travel by a Senator, or Senate employee, shall not be paid by the Senate unless that expenditure is itemized and receipted (except in cases in which receipts are not ordinarily provided).

e) Expenses for out-of-state travel by Senators shall be printed in the Journal on a quarterly basis.

f) A Senator, or an employee of a Senator, shall not incur out-of-state travel expenses after the Senator is defeated in a Senate primary or general election, or upon the failure of the Senator to file for election while serving the balance of his or her unexpired term, unless approved by the Senate Majority Leader.

#### **1.209 MAILING**

a) The mailing or printing at Senate expense of any personal or campaign material is prohibited.

b) A Senator, or committee of the Senate, shall not use state funds to mail 1,000 or more pieces of substantially similar material 30 days or less before a primary or general election, in which the Senator is a candidate. This rule does not apply if the mailing is a summary of a ballot proposal and is approved by the Senate Majority Leader.

c) The Senate shall not make payment for a mass mailing sent outside the district of the Senator making the mailing. In determining whether a violation of this rule has occurred, recognition shall be given to established mass mailing techniques.

d) The Senate Majority Leader shall develop and disseminate guidelines for printing and mass mailing.

e) The cost of pieces mailed by a Senator which were paid for by Senate funds shall be tabulated and recorded by the Secretary of the Senate.

### **CHAPTER I - SECTION 3 LEGISLATIVE CONDUCT AND ETHICS**

#### **1.301 LEGISLATIVE CONDUCT**

Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.

#### **1.302 ATTENDANCE AND VOTING**

Every Senator is expected to vote on each roll call vote, unless absent or prohibited from voting by Rule 1.306. A Senator who misses a roll call vote may request that a statement be printed in the Senate Journal reflecting how he or she would have voted.

#### **1.303 IMPROPER INFLUENCE**

A Senator shall not accept anything that will influence his or her official act, decision, or vote.

#### **1.304 CONFLICTING EMPLOYMENT**

A Senator shall not allow any personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

#### **1.305 UNDUE INFLUENCE**

A Senator shall not use his or her influence in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

#### **1.306 DISCLOSURE AND DISQUALIFICATION**

A Senator having a personal, private, or professional interest in a bill, of which he or she has knowledge, shall not vote on the bill and shall disclose in writing his or her interest in the bill. A personal, private, or professional interest in a bill is an interest that would provide a benefit particular to a Senator or a benefit particular to any individual or entity to whom the Senator is financially or legally obligated or is personally related. The disclosure shall be filed with the Secretary of the Senate to be printed in the Journal immediately following the record of the vote on the bill. If a Senator votes on a bill that might appear at the time of the vote to provide a benefit particular to that Senator or a benefit particular to any individual or entity to whom the Senator is financially or legally obligated or is personally related, a Senator may submit a statement explaining his or her reasons for voting. The statement shall be printed in the Journal.

#### **1.307 SEXUAL HARASSMENT**

Sexual harassment of Senators and Senate employees is prohibited and will not be tolerated by the Senate. The Senate Majority Leader shall establish a Senate Majority Leader policy to implement this prohibition.

#### **1.308 SENATE EMPLOYEES AND CONFLICTS**

Senate employees shall be accountable to the intent of Chapter I-Section 3 where applicable.

#### **1.309 IMPROPER USE OF STAFF AND FACILITIES**

a) A Senator shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan. This includes, but is not limited to, telephones, telecopy machines, computers, postage, and copy machines.

b) Personal business and incidental campaign calls, when charged to the state, are clearly contrary to the proper use of these facilities.

c) Personal and business calls must be charged to the caller's residence telephone, personal credit card, special billing number or made from a cellular telephone or pay station. Individuals making unreimbursed personal calls from state facilities shall be subject to appropriate sanctions.



d) In situations where it is not possible to utilize any of the methods outlined above to make a personal call, or when other incidental expenses are incurred, the Senate's operating procedure shall allow reimbursement to the State of Michigan for such calls and expenses.

#### **1.310 ADVISORY OPINIONS**

All questions relating to the interpretation and enforcement of these rules concerning legislative conduct and ethics shall be referred to the Committee on Government Operations. A Senator who has a question regarding legislative conduct and ethics may submit a factual situation to the Committee on Government Operations with a request for an advisory opinion establishing the standard of public duty. The Committee shall respond to each inquiry. All opinions shall, after hearing, be numbered, dated, and printed in the Journal. No opinion shall identify the requesting Senator without his or her consent.

#### **1.311 PENALTIES FOR VIOLATION**

If a Senator is alleged to have violated the provisions of the rules regulating ethics and conduct, the Committee on Government Operations shall determine if the facts underlying the allegation are sufficient to merit a hearing. If a hearing is held, the Senator charged with a violation shall be given notice and granted the opportunity to appear at the hearing and be represented by counsel. The determination and any disciplinary action shall be made and taken only by a two-thirds vote of the Senators elected and serving on recommendation of the Committee on Government Operations. A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled. Any actions undertaken under this section shall be separate from any prosecutions or penalties otherwise provided by law.

### **CHAPTER I - SECTION 4 SENATE EMPLOYEES**

#### **1.401 EMPLOYEES OF EACH SENATOR**

a) All Senators may appoint necessary staff in accordance with Senate rules and subject to policies established by the Senate Majority Leader. These employees shall be directly responsible to the Senator. A Senator shall not appoint any employee who is related within the third degree of consanguinity or direct affinity to any Senator elected or serving without permission of the Senate Majority Leader.

b) A Senate employee shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan. This includes, but is not limited to, telephones, teletype machines, computers, postage, and copy machines.

c) Personal business and incidental campaign calls, when charged to the state, are clearly contrary to the proper use of these facilities.

d) Personal and business calls must be charged to the caller's residence telephone, personal credit card, special billing number or made from a cellular telephone or pay station. Individuals making unreimbursed personal calls from state facilities shall be subject to appropriate sanctions.

e) In situations where it is not possible to utilize any of the methods outlined above to make a personal call, or when other incidental expenses are incurred, the Senate's operating procedure shall allow reimbursement to the State of Michigan for such calls and expenses.

f) A person shall not begin employment nor receive any compensation until a Senator has provided the Secretary of the Senate with the necessary information about the employee.

#### **1.402 COMMITTEE CLERKS**

Each standing committee chairperson shall appoint one person from his or her staff to serve as committee clerk. The person designated as committee clerk must perform all duties established by the State Constitution and Senate rules and must attend committee clerk training sessions provided by the Secretary of the Senate.

#### **1.403 EMPLOYEE APPOINTMENT**

The Senate Majority Leader shall appoint employees as may be necessary for the work of the Senate. The Senate Majority Leader shall appoint minority staff employees from a list submitted by the Senate Minority Leader.

#### **1.404 EMPLOYEE COMPENSATION**

a) Compensation for Senate employees shall be established by each Senator within the limits of the budget guidelines in accordance with Senate rules and subject to policies issued by the Senate Majority Leader.

b) The Senate shall not provide more than three fringe benefit packages for the staff of each minority Senator or more than five fringe benefit packages for the staff, including committee staff, of each majority Senator unless otherwise determined by the Senate Majority Leader.

#### **1.405 EMPLOYEES AS CANDIDATES**

Any Senate employee who files a nominating petition or pays a fee for ballot access or files an affidavit of candidacy for a full-time elective office shall be placed on an unpaid leave of absence.

#### **1.406 TERMINATION OF EMPLOYMENT**

The Senate Majority Leader shall have the right to terminate the services of any employee and the pay of the employee shall stop on the day of dismissal. This rule shall not apply to any employee elected by the Senate or those employees specifically provided for by other Senate rules.

**CHAPTER II - SECTION 1  
COMMITTEE ORGANIZATION**

**2.101 AUTHORIZATION FOR STANDING COMMITTEES**

Permanent standing committees, when created by rule of the Senate, shall exist and function both during and between sessions (see MCL 4.221).

**2.102 POWERS AND RESPONSIBILITIES OF COMMITTEES**

a) Any Senator, while acting as a member of a committee, shall have authority to administer oaths to such persons as shall be examined before the committee of which he or she is a member (see MCL 4.85).

b) Any committee may, by resolution of the Senate, be authorized to administer oaths, subpoena witnesses, and examine the books and records of any persons, partnerships, or corporations involved in a matter properly before any committee (see MCL 4.101).

c) Any witness, or attorney representing a witness, may be punished for contempt by the Legislature (see MCL 4.82 and 4.101), under either of the following circumstances:

1) During a committee investigation and pursuant to a committee subpoena, he or she:

a) Refuses to be sworn or testify, or

b) Fails on demand to produce any papers, books, or documents in regards to any matter under investigation, or

c) Otherwise neglects or refuses to obey the committee subpoena.

2) He or she is guilty of deliberately interfering with the duties and powers of the Legislature while in attendance at a committee hearing.

d) Contempt of the Legislature shall be punishable as provided by law (see MCL 4.82 and 4.83).

**2.103 STANDING COMMITTEES**

The standing committees of the Senate shall be:

Agriculture, Forestry and Tourism (5 members)

Appropriations (16 members)

Banking and Financial Institutions (7 members)

Commerce and Labor (5 members)

Economic Development, Small Business and Regulatory Reform (5 members)

Education (5 members)

Families and Human Services (5 members)

Finance (5 members)

Gaming and Casino Oversight (5 members)

Government Operations (7 members)

Health Policy (5 members)

Judiciary (7 members)

Local, Urban and State Affairs (5 members)

Natural Resources and Environmental Affairs (5 members)

Senior Citizens and Veterans Affairs (5 members)

Technology and Energy (8 members)

Transportation (5 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)

Michigan Capitol Committee (4 members) (see MCL 4.1701)

**2.104 COMMITTEE ON GOVERNMENT OPERATIONS**

a) All appointments to office submitted by the Governor, and any other executive business, shall be referred to the Committee on Government Operations. No appointment shall be voted upon until it has been printed in the Journal.

1) Any appointment not disapproved within 60 session days after receipt shall stand confirmed (see Const. Art. 5, Sec. 6).

2) On all appointments to office reported favorably, the question shall be on advising and consenting to the appointment. On all appointments reported unfavorably or without recommendation, the question shall be on the disapproval of the appointment.

3) The vote of a majority of the Senators elected and serving by record roll call vote shall be required to approve or disapprove any appointment to office submitted by the Governor. Any appointments considered by the Senate shall be in open session, unless a majority of the Senators elected and serving shall vote in favor of an executive session (see Const. Art. 4, Sec. 19).

b) If an appointment is made at a time when the 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. The Senate Majority Leader shall notify the

Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session. The Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

c) Effective upon written notification to the Secretary of the Senate, the chairperson of the Committee on Government Operations may request a Senate standing committee to hold hearings and make written recommendations to the Committee on Government Operations on a gubernatorial appointment or an executive order. The Senate standing committee shall adopt by committee vote a recommendation to the Committee on Government Operations.

d) Executive orders issued by the Governor dealing with matters of executive reorganization shall be referred to the Committee on Government Operations. Any executive order dealing with matters of executive reorganization not disapproved within 60 calendar days of a regular session, or a full regular session if of shorter duration, after receipt shall stand. Unless disapproved in both Houses by a resolution concurred in by a majority of the members elected to and serving in each House, the executive order shall become effective at a date thereafter to be designated by the Governor (see Const. Art. 5, Sec. 2).

e) Executive orders dealing with matters of appropriations or expenditure reductions shall be referred to the Committee on Appropriations (see MCL 18.1391).

### **2.105 COMMITTEE CHAIRPERSONS AND TEMPORARY MEMBERS**

a) The first named member of any committee shall be the chairperson, the second named member shall be the majority vice chairperson, and the remaining members of the committee shall rank in the order in which they are named. The first named member of the minority party shall be the minority vice chairperson. In the temporary absence of the chairperson and majority vice chairperson, the highest ranking member in attendance shall act as chairperson. When all members of a subcommittee are also members of the standing committee, the committee chairperson shall appoint the subcommittee members.

b) In the apparent prolonged absence of a member of a committee, the Senate Majority Leader shall fill the vacancy by appointing a committee member who shall serve until the absent Senator returns. A temporary committee member shall not be appointed chairperson of the committee by the Senate Majority Leader.

### **2.106 CALLING OF A COMMITTEE**

It shall be the duty of any committee to meet at the call of the chairperson, or on the written request of a majority of the members of the committee. The call or request must contain the date, time, and place of the meeting. No committee of any status shall sit during a session of the Senate, except during recess, unless leave is granted by the Senate. No committee shall use the Senate Chamber for a public hearing during any regular or special session of the Legislature.

### **2.107 NOTICE OF MEETINGS AND PUBLIC HEARINGS**

a) A committee may hold a meeting or public hearing on any bill or resolution referred to the committee and on any issue relevant to the subject matter of the committee. Notice of the meeting or hearing, its subject, date, time, and place, shall be given in writing to the Secretary of the Senate who shall print it in the Journal and on the Senate calendar and post it where appropriate (see Const. Art. 4, Sec. 17). Oral notice of the meeting or public hearing may be given to the Senate during a session by the chairperson, or a member, of the committee holding the meeting or public hearing.

b) Notice of all committee meetings and public hearings shall comply with the Michigan Open Meetings Act (see MCL 15.261-275).

### **2.108 COMMITTEE STAFFING**

In addition to the allocation for staff as provided in Rule 1.117(e), the committee chairperson may appoint additional committee personnel as authorized by the Senate Majority Leader. The Senate Majority Leader may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

### **2.109 COMMITTEE EXPENSES**

No committee may receive reimbursement for expenses unless authorized by the Senate Majority Leader. A report of committee expenses, prepared by the chairperson and the Secretary of the Senate from the documents on file in the Secretary of the Senate's office and approved by the chairperson, shall be filed quarterly with the Secretary of the Senate. The report shall include the date, payee, amount, and purpose of the expenditure. The Secretary of the Senate shall print in the Journal that the expense report is on file and open for public inspection.

## **CHAPTER II - SECTION 2 COMMITTEE PROCEDURE**

### **2.201 COMMITTEE QUORUM**

A quorum of a committee is a majority of the committee. The affirmative vote of a majority of the committee members serving is required to adopt an amendment or substitute to a bill or resolution and to report any matter to the Senate. A member must be present at the time a roll call is taken for his or her vote to count toward the required majority concurrence.

### **2.202 COMMITTEE RECORDS**

a) Each committee chairperson shall keep a record of its proceedings, including the date and time of each meeting, the committee members present and absent, and all action on bills and resolutions in the committee with the names and

votes of members (see Const. Art. 4, Sec. 17). A member of the committee wishing to explain his or her vote may file a written explanation with the clerk of the committee within two legislative days after the vote is taken, which explanation shall be attached to the minutes. All minutes shall be available for public inspection during reasonable business hours. The committee record of its proceedings shall be transmitted biennially to the Secretary of the Senate within 30 days of the final adjournment of the Legislature. The Secretary of the Senate shall be responsible for the storage of the committee minutes and records of its proceedings, which shall be available for public inspection upon request.

b) The chairperson of each committee shall keep the committee files, recordings, tapes, records, memoranda, or written documents in storage cabinets which are separate from his or her legislative records. The chairperson shall provide the Secretary of the Senate with the identification numbers of the storage cabinets containing the committee records. The Secretary of the Senate shall tag the designated storage cabinets and maintain a record of this information.

### **2.203 COMMITTEE REPORTS**

a) All committees shall file a report of their activities following each meeting. All reports shall be submitted on a form prescribed and furnished by the Secretary of the Senate. The reports shall include the date, time, and place of the committee meeting, the members in attendance, the vote of each committee member on any bill, resolution, or other business, and the committee's recommendation on immediate effect for any bill and shall be submitted to the Secretary of the Senate. The committee recommendation for immediate effect shall be considered on House bills at the time of Senate passage and on Senate bills upon their return from the House unless the Senate has previously given the bill immediate effect. All committees shall submit an attendance report to the Secretary of the Senate within two Senate legislative days of the committee meeting. The Secretary of the Senate shall cause all committee reports and attendance reports to be printed in the Journal.

b) Except for a committee report recommending a substitute, any bill, resolution, or other business reported out of any committee shall be filed with the Secretary of the Senate as soon as possible and not later than 4:00 p.m. on the next calendar day (excluding weekends and holidays). A committee report recommending a substitute shall be filed not later than 4:00 p.m. on the second calendar day (excluding weekends and holidays). The Secretary of the Senate shall have the authority to retrieve any report not filed by these deadlines.

c) If a bill, joint resolution or other business is reported back to the Senate with the recommendation that it be referred to a second committee, the reported bill, joint resolution or other business, and any amendments, shall be referred to that committee in accordance with Rule 3.106.

d) All business not reported by a committee shall be returned to the Secretary of the Senate at the conclusion of each biennium.

### **2.204 ITEMS REPORTED WITHOUT RECOMMENDATION**

All items reported without recommendation, with or without amendments, by any committee shall lie on the table unless otherwise ordered by the Senate. To take from the table any item placed on the table in this manner shall require the vote of a majority of the Senators elected and serving.

### **2.205 MANUAL OF COMMITTEE PROCEDURE**

The rules of parliamentary law and practice in the most recent edition of Mason's "Manual of Legislative Procedure" shall govern committee procedure in all cases except when they are inconsistent with the standing rules and published precedents of the Senate and its committees.

### **2.206 COMMITTEE TELEVISIONING AND CONDUCT**

a) Senate committee meetings may be taped or televised live through the equipment operated by the Secretary of the Senate staff.

b) No person shall engage in any conduct during a Senate committee meeting which undermines the decorum of the meeting. All individual electronic devices during a committee meeting shall be turned off or left on non-audible alert. Failure to follow a warning issued by the chairperson may result in the device(s) being confiscated upon direction of the committee chairperson for the remainder of the meeting.

## **CHAPTER III - SECTION 1 ORDER OF BUSINESS**

### **3.101 TIME OF SESSION**

The Senate shall convene at 10:00 a.m. Tuesday through Thursday, unless otherwise ordered by the Senate.

### **3.102 ORDER OF BUSINESS**

The order of business of the Senate shall be as follows:

1. Call to Order
2. Invocation
3. Pledge of Allegiance and, on the first day of session each year, the last session day before sine die and at the session day of the State of the State address, the Pledge of Allegiance to the Flag of Michigan
4. Roll Call
5. Motions and Communications
6. Messages from the Governor

- 7. Messages from the House
- 8. Conference Reports
- 9. Third Reading of Bills
- 10. General Orders
- 11. Resolutions
- 12. Introduction and Referral of Bills
- 13. Statements
- 14. Adjournment

### **3.103 CHANGE OF ORDER OF BUSINESS**

The Senate may change, bypass, or return to any order of business at any time by the consent of a majority of those voting.

### **3.104 QUORUM OF THE SENATE**

- a) A majority of Senators elected and serving shall constitute a quorum (see Const. Art 4, Sec. 14).
- b) Routine business on which no vote of the Senate is required may be disposed of on any day, with or without a quorum present, and proper entries shall be printed in the Journal.
- c) In the absence of a quorum, a motion is in order to order a Call of the Senate, recess or adjourn.

### **3.105 COMMUNICATIONS TO THE SENATE**

The Secretary of the Senate shall compile official communications received by the Senate and shall make them available to all Senators. The presiding officer shall refer all communications which are informational only, to the Secretary of the Senate in one order for their printing in the Journal.

### **3.106 COMMITTEE REPORTS ON THE CALENDAR**

- a) All committee reports in the possession of the Secretary of the Senate shall be placed on the Senate calendar under the heading of Committee Reports. The Senate calendar shall be closed for printing at 4:00 p.m. on Tuesday, Wednesday and Friday. If a Senate committee is scheduled to meet on a Friday, Saturday or Sunday, the Senate calendar for a Tuesday session shall be closed for printing at 9:30 a.m. on Monday. If there is a Friday session, the calendar shall be closed at 4:00 p.m. on Thursday. If Monday is a state holiday, the Senate calendar for Tuesday shall be closed for printing on Friday at 12:00 noon.
- b) A Senator may object to a committee report on the basis of its sufficiency or proper authorization. The presiding officer shall place the objection before the Senate for its decision.
- c) All committee reports shall be laid over one day. After one session day a committee report shall be considered accepted and the item shall be referred as appropriate.

### **3.107 RESOLUTION CONSENT CALENDAR**

- a) The Senate Majority Floor Leader and the Senate Minority Floor Leader or members who are their designees shall jointly compile a list to be known as the resolution consent calendar. It shall consist of Senate resolutions, Senate concurrent resolutions, and House concurrent resolutions which do not require committee referral and consideration, and the adoption of which may be accomplished by a majority of those voting. Resolutions which are subject to the voting requirements of Senate Rule 3.501, or governed by a voting requirement in statute shall not be placed on the resolution consent calendar.
- b) Resolutions on the consent calendar shall be disposed of in a single vote. Before stating the question of adoption of the consent calendar, the presiding officer shall ask if there are objections. The objection of any Senator to the placement of one or more items on the resolution consent calendar shall result in the removal of the stated item or items from that calendar.

## **CHAPTER III - SECTION 2 INTRODUCTION OF BILLS**

### **3.201 FIVE DAYS' POSSESSION**

No bill shall be passed or become law at any regular session of the Legislature until it has been printed or reproduced and in possession of the Senate for at least five days (see Const. Art. 4, Sec. 26).

### **3.202 BILLS AND RESOLUTIONS AMENDED BY THE HOUSE**

All bills, joint resolutions and concurrent resolutions returned by the House with amendments shall be laid over one day. Consideration of bills and joint resolutions shall be resumed the following day under the same order of business. Consideration of resolutions shall be resumed the following day under the order of Resolutions.

### **3.203 REFERRAL OF BILLS AND RESOLUTIONS**

- a) The Senate Majority Leader shall refer all bills and joint resolutions to a standing committee no later than one Senate legislative day after being submitted to the Secretary of the Senate. The presiding officer shall announce the reference of all bills and joint resolutions.
- b) A bill introduced pursuant to the timely filing of a notice of objection by the Joint Committee on Administrative Rules to a proposed administrative rule shall be read twice and placed on the Senate calendar under the order of business of General Orders (see MCL 24.245a(3)).

c) The Senate Majority Leader may change the original referral of a bill or resolution by oral notice to the Senate or written communication submitted to the Secretary of the Senate before the end of session on the next Senate legislative day following the day of the original referral. Notices of the written communication shall be announced by the Secretary of the Senate during session and both oral and written notifications shall be printed in the Journal.

d) It shall be in order at any time before the final passage of any bill or the adoption of any resolution to move its commitment or recommitment.

e) The vote of a majority of the Senators elected and serving shall be required to discharge a committee from further consideration of any item referred to that committee.

### **3.204 RESOLUTIONS**

a) All resolutions shall be accompanied by nine true copies. Resolutions which are not subject to provisions in other Senate rules shall be read once by title to the Senate, and referred to the Committee on Government Operations. Once submitted to the Secretary of the Senate, resolutions become the property of the Senate and shall remain in the possession of the Secretary of the Senate. Concurrent resolutions shall be transmitted to the House on adoption.

b) Once a resolution is submitted to the Secretary of the Senate, any Senator and the President of the Senate wishing to co-sponsor it shall complete a form provided by the Secretary of the Senate. A member must be present and specifically request to be named as a co-sponsor of a resolution. After adoption of a Senate resolution, the presiding officer may open the voting board to allow Senators to add their names as co-sponsors.

c) After a Senate concurrent resolution has been adopted by both Houses and is returned to the Senate, the Secretary of the Senate is authorized to order the printing of the concurrent resolution unless amended by the House or otherwise directed by the Senate.

### **3.205 PRINTING**

All bills and joint resolutions shall be printed or reproduced after introduction unless otherwise ordered by the Senate. No bill or joint resolution shall be reported from a standing committee until it has been printed or reproduced.

### **3.206 THE BILL TITLE**

The title of a bill shall include:

a) The object of the bill, and

b) A reference to the section(s), act, and compilation numbers when amending any act which has been compiled.

### **3.207 THREE SEPARATE READINGS**

Every bill and joint resolution shall receive three separate readings prior to its being passed or adopted. The presiding officer shall announce whether it is the first, second, or third reading. The first and second readings may be by title only. The third reading of a bill or joint resolution shall be in full unless otherwise ordered unanimously by the Senate. The third reading of a bill or joint resolution shall be on a day subsequent to that on which it is read a second time or is reported by the Committee of the Whole (see Const. Art. 4, Sec. 26).

### **3.208 INITIATIVE PETITIONS**

a) Initiative petitions received by the Secretary of the Senate from the Secretary of State shall be stamped with the date and time measured in hours and minutes. The Secretary of the Senate shall deliver the initiative petition to the Senate Majority Leader to be available for referral to committee on the next Senate legislative day (see Const. Art. 2, Sec. 9).

b) Each initiative petition, when introduced, shall be read a first and second time by title and referred to committee. When reported out of committee, each initiative petition shall be placed on the order of Third Reading of Bills.

c) Any law proposed by initiative petition shall be either enacted or rejected by the Legislature without change or amendment within 40 days from the time such petition is received in the office of the Secretary of the Senate (see Const. Art. 2, Sec. 9).

d) If the Senate rejects an initiative petition, the Senate may propose a different measure on the same subject by a yea and nay vote on separate roll calls. In such event, both measures shall be submitted to the electors for approval or rejection at the next general election (see Const. Art. 2, Sec. 9).

## **CHAPTER III - SECTION 3 MOTIONS**

### **3.301 RECOGNITION**

The presiding officer shall recognize Senators to speak in the order in which they press their "request to speak" button, except when a Senator seeks recognition to introduce guests or to raise a point of order. A Senator, when recognized, shall address the presiding officer, standing at the microphone nearest to his or her desk.

### **3.302 PRECEDENCE OF MOTIONS**

The following motions shall take precedence in the order listed:

1. To fix the time to which to adjourn
2. To adjourn
3. To take a recess
4. To lay on the table
5. For the previous question
6. To postpone to a day certain

7. To commit
8. To amend
9. To postpone indefinitely

### **3.303 MOTION IN WRITING**

No motion shall be debated until stated by the presiding officer or Chair. Any motion shall be reduced to writing on demand of the presiding officer, Chair or any Senator. The written motion shall be presented to the Secretary of the Senate and read before it is debated.

### **3.304 MOTION WITHDRAWAL**

Any motion may be withdrawn by the maker of the motion before it is amended or adopted.

### **3.305 NONDEBATABLE MOTIONS**

a) The motions to adjourn, to recess, to reconsider, to lay on the table, for the previous question, and all questions relating to the priority of business shall be decided without debate.

b) A nondebatable motion is not in order if the Senator, making the motion, speaks immediately before offering the motion.

### **3.306 CONSIDERATION FOLLOWING A RECESS**

When a recess is taken during the pendency of any question, the consideration of the question shall be resumed on the reassembling of the Senate.

### **3.307 MOTION TO LAY ON THE TABLE**

A motion to lay on the table shall carry with it all pending subsidiary questions except in case of laying an appeal or a motion to reconsider on the table. A motion taken from the table shall be divested of all subsidiary motions except motions to amend. The vote of a majority of the Senators elected and serving shall be required for a motion to remove any item from the table. Items laid on the table must first be removed from the table before they are eligible for further consideration by the Senate.

### **3.308 MOVE THE PREVIOUS QUESTION**

a) Any Senator may move the previous question. The previous question shall be ordered by a majority of the Senators voting. The motion for the previous question may be limited by the mover to one or more of the questions preceding the main question. The effect of ordering the previous question shall be to close debate instantly, bringing the Senate to an immediate vote on the pending question or questions in their regular order. If the previous question is ordered on the third reading of a bill or joint resolution, only amendments to the bill or joint resolution that have been filed with the Secretary of the Senate prior to the motion calling for the previous question shall be considered, but the amendments shall not be debated. The yeas and nays may be demanded on any vote taken while the previous question is in effect.

b) A motion to reconsider is in order under operation of the previous question before voting is completed on all pending items affected by the previous question.

c) A motion for a Call of the Senate shall not be in order after the previous question has been ordered. No Senator shall dissent orally by making a statement of protest while the previous question is in effect. The previous question having been ordered, any question of order or appeal from the decision of the presiding officer shall be decided without debate.

### **3.309 MOTION TO DIVIDE**

Any Senator may call for a division of the question. If supported by a majority of the Senators voting, the question shall be divided providing it contains propositions sufficiently distinct in substance that, if one be taken away, a substantive proposition remains for the decision of the Senate.

### **3.310 MOTION TO STRIKE OUT AND INSERT**

A motion to amend by striking out and inserting other words shall be indivisible. However, the words proposed to be struck out or inserted may be amended.

### **3.311 MOTION TO RECONSIDER**

a) No motion for the reconsideration of any vote shall be in order unless:

- 1) The subject matter on which the vote was taken is in the possession of the Senate, and
- 2) It is made on the same day the vote is taken or within the next two Senate legislative days.

b) The same question shall not be reconsidered more than once.

c) The vote of a majority of the Senators elected and serving shall be required to reconsider the vote by which any bill or joint resolution was passed or adopted or the vote by which an amendment or substitute (but not an amendment to an amendment or a substitute) was adopted on Third Reading by the Senate.

d) A motion to reconsider may be laid on the table. The tabling of a motion to reconsider the vote by which any bill or joint resolution failed to pass or be adopted by the Senate shall require the vote of a majority of the Senators elected and serving and shall postpone indefinitely the consideration of the bill or joint resolution.

e) Tabling of a motion to reconsider shall not carry with it the original question but shall be a refusal to reconsider. It shall not be in order to take from the table a motion to reconsider, nor shall the vote whereby any motion to reconsider was laid on the table be reconsidered.

**3.312 INDEFINITE POSTPONEMENT**

To postpone indefinitely further consideration of any bill, resolution, or other matter shall require the vote of a majority of the Senators elected and serving, and the vote on such a motion shall not be reconsidered.

**3.313 MOTION FOR CALL OF THE SENATE**

A Call of the Senate shall be ordered by a majority of the Senators voting, whether a quorum or not. After a Call of the Senate is ordered, the doors shall be closed and the Senators shall not be permitted to leave the Senate floor without permission of the Senate. The roll of the Senate shall be taken by the Secretary of the Senate and the absentees noted. The Sergeant at Arms, or persons duly empowered by a majority of the Senators voting, may be dispatched and may arrest any or all of the Senators absent without leave.

**CHAPTER III - SECTION 4  
AMENDMENTS**

**3.401 TWO READINGS BEFORE AMENDMENT**

No bill or joint resolution shall be amended until it has been read twice.

**3.402 AMENDMENTS ON THIRD READING**

a) The vote of a majority of the Senators elected and serving shall be required to adopt any amendment on Third Reading.

b) If a series of amendments is offered to a bill or joint resolution and it becomes obvious the amendments are being used as a basis of obstruction, a motion may be made that the amendments be declared obstructive and the motion shall not be debatable. If the motion prevails, the amendments shall be read en bloc and a single vote shall be taken immediately on all of the amendments. In this case, no division of the question shall be allowed.

**3.403 PRINTING OF AMENDMENTS IN THE JOURNAL**

a) No bill or joint resolution which has been reported with amendment or amendments by any committee shall be considered in Committee of the Whole until the amendment or amendments have been printed in the Journal. No bill or joint resolution amended in Committee of the Whole shall be considered on Third Reading of Bills until all amendments made in Committee of the Whole have been printed in the Journal.

b) All amendments shall be submitted in writing and with seven copies and all substitutes shall be submitted with 10 copies.

**CHAPTER III - SECTION 5  
VOTING PROCEDURE**

**3.501 ACTIONS REQUIRING AN EXTRAORDINARY MAJORITY**

Action by the Senate on the following matters shall require a vote of two-thirds of the Senators elected and serving except as otherwise noted:

- a) Amendment or Repeal of Initiated Law, three-fourths of the Senators elected and serving (Const. Art. 2, Sec. 9)
- b) Expulsion of Member (Const. Art. 4, Sec. 16)
- c) Immediate Effect (Const. Art. 4, Sec. 27)
- d) Local or Special Act (Const. Art. 4, Sec. 29)
- e) Private or Local Purpose Appropriation (Const. Art. 4, Sec. 30)
- f) Overriding Veto (Const. Art. 4, Sec. 33)
- g) Bank and Trust Company Law (Const. Art. 4, Sec. 43)
- h) Courts of Limited Jurisdiction (Const. Art. 6, Sec. 1)
- i) Removal of Judge (Const. Art. 6, Sec. 25)
- j) State Borrowing (Const. Art. 9, Sec. 15)
- k) State Land Reserve Designation (Const. Art. 10, Sec. 5)
- l) Rejection or Reduction of Civil Service Pay Increases (Const. Art. 11, Sec. 5)
- m) Amendments to Michigan Constitution (Const. Art. 12, Sec. 1)
- n) Mackinac Bridge Bonds Refunding (Const. Schedule, Sec. 14)
- o) Amendments to increase the February 1, 1994 statutory limits on the maximum amount of ad valorem property taxes that may be levied for school district operating purposes, three-fourths of the Senators elected and serving (Const. Art. 9, Sec. 3)

**3.502 MAJORITY VOTE ON QUESTIONS SHORT OF THE FINAL QUESTION**

When a bill or joint resolution requires, pursuant to the Constitution, the concurrence of more than a majority of the Senators elected and serving, the concurrence of such majority shall not be requisite to decide any question for amendment or relating to the merits, being short of the final question, except on the question of the adoption of a conference report, concurring in House amendments, or receding from Senate amendments to any such bill or joint resolution returned from the House to the Senate for final action.

**3.503 FINAL PASSAGE BY REQUIRED VOTE**

a) The vote on the final passage of any bill or the adoption of any joint resolution shall be taken by yeas and nays, which shall be printed in the Journal (see Const. Art. 4, Sec. 26).

b) The final vote on all joint resolutions ratifying a proposed amendment to the federal Constitution shall be by record roll call.



c) When any bill or joint resolution receives the constitutionally required assent, that fact shall be certified on the bill or joint resolution by the Secretary of the Senate.

d) When a bill is given immediate effect by a two-thirds vote of the Senators elected and serving, that action remains in effect as the bill proceeds through the legislative process, unless the vote for immediate effect is reconsidered and defeated.

### **3.504 DEMAND FOR RECORDED VOTE**

The record of the votes and names of the Senators voting on any question shall be printed in the Journal at the request of one-fifth of the Senators present (see Const. Art. 4, Sec. 18), except during the Committee of the Whole.

### **3.505 VOTING**

a) After a question is stated by the presiding officer or Chair, no motion shall be in order and no Senator shall be entitled to speak until the roll call is finished and the result is declared.

b) The electronic voting system shall be used, if operational, to determine the question before the body when the vote is taken by roll call or by division, and shall display the votes of each Senator and the running total. At the direction of the presiding officer, the Secretary of the Senate shall immediately activate the electronic voting system for one minute for a roll call vote, after which the vote shall be closed and no further votes shall be entered in the record. If all Senators present have voted before one minute has elapsed, the presiding officer may ask Senators if there is objection to closing the vote. If no Senator objects, the presiding officer shall instruct the Secretary of the Senate to close the board immediately and record the vote.

c) The presiding officer or Chair may close a division vote at his or her discretion when it appears that all members present have had a reasonable opportunity to vote.

d) If the electronic voting system is not operational, the presiding officer or Chair shall direct the Secretary of the Senate to conduct a roll call or a division vote orally, and to announce the results and record the roll call.

e) A Senator shall not vote for another Senator. A person not a Senator shall not vote for any Senator. In addition to penalties prescribed by law, any Senator may be punished as the Senate may determine for voting for another Senator. If a person not a Senator votes or attempts to vote, he or she, in addition to penalties prescribed by law, shall be barred from the Senate floor for the remainder of the session and may receive further punishment as the Senate deems proper.

### **3.506 A SENATOR'S RIGHT TO DISSENT**

a) A Senator may dissent from or protest against any act, proceeding, or resolution which he or she believes is injurious to any person or the public, and have the reason for his or her dissent printed in the Journal (see Const. Art. 4, Sec. 18).

b) A Senator may dissent orally by making a statement of protest, unless the previous question is in effect, which shall not be limited in length, or by moving that a statement made personally during session on any order of business other than during the Committee of the Whole be his or her protest. A Senator may also dissent by concurring with another Senator's protest or statement previously moved to be printed in the Journal during that day's session. Dissent statements not made during the debate preceding or immediately following the vote from which a Senator is dissenting shall be made under the order of business of Statements.

c) A Senator may dissent in writing not to exceed 1,000 words if:

1) He or she gives oral notice during session of an intent to file a written protest, and

2) On that day or prior to the end of session on the next Senate legislative day, a signed copy of the written protest is placed on each Senator's desk and filed with the Secretary of the Senate, and

3) No objections are raised and sustained by the end of session on the first Senate legislative day following the day oral notice was given.

d) All protests submitted in any of the above manners shall be printed in the Journal, except the Senate may refuse to print statements or material containing insulting and contemptuous matter under the guise of a protest.

e) No statement of any Senator shall be printed in the Journal unless moved by that Senator.

### **3.507 ANNOUNCEMENTS AND STATEMENTS**

a) Announcements may be made during any order of business. Announcements are remarks concerning the session schedule, committee meetings, introduction of guests, congratulations, condolences or illness, requests to co-sponsor bills and resolutions, requests to be removed as a sponsor or co-sponsor of bills and resolutions, past vote intentions or intentions of introducing legislation or resolutions.

b) Statements on topics, issues or items not properly before the Senate shall be made during the order of business of Statements. Dissent statements may be made under the order of business of Statements.

c) A Senator is limited to one statement each day under the order of business of Statements, except for dissent statements which are unlimited in number.

d) Each statement shall be limited to five minutes orally or, if submitted in writing, shall be no greater than 1,000 words, except an oral dissent statement made on the order of Statements shall not be limited in length.

e) With the leave of the Senate, the President of the Senate may request that a statement made by the President be printed in the Journal.

**CHAPTER III - SECTION 6  
APPROPRIATION BILLS**

**3.601 GENERAL APPROPRIATION BILLS**

The general appropriation bills for the succeeding fiscal year covering items set forth in the budget shall be passed or defeated in the Senate before it passes any appropriation bill for items not in the budget, except bills supplementing appropriations for the current fiscal year's operation (see Const. Art. 4, Sec. 31).

**3.602 BILLS REQUIRING APPROPRIATIONS**

Any bill containing an appropriation to carry out its purpose shall be considered an appropriation bill (see Const. Art. 4, Sec. 31). Appropriation bills, when reported back to the Senate favorably by a committee other than the Committee on Appropriations, shall, together with amendments proposed by that committee, be referred to the Committee on Appropriations for consideration.

**3.603 ESTIMATED REVENUE**

One of the general appropriation bills as passed by the Senate shall contain an itemized statement of estimated revenue by a major source in each operating fund for the ensuing fiscal year, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

**CHAPTER III - SECTION 7  
COMMITTEE OF THE WHOLE**

**3.701 FAVORABLE REPORTS**

All bills and joint resolutions reported back to the Senate favorably shall be referred to the Committee of the Whole with amendments, if any, proposed by the committee, which amendments shall be considered first by the Committee of the Whole. Any bill or joint resolution may, after having been reported favorably to the Senate by a committee, be referred to a second committee. If the second committee reports the bill or joint resolution back to the Senate, the report shall include amendments, if any, that were recommended by the first committee. The reported bill or joint resolution, and any amendments, shall be referred to the Committee of the Whole.

**3.702 BUSINESS IN ORDER**

When the Senate resolves itself into the Committee of the Whole, General Orders shall be the only matter of business which shall be in order until the Committee rises.

**3.703 BILLS AND JOINT RESOLUTIONS CONSTITUTING GENERAL ORDERS**

a) Bills and joint resolutions referred to the Committee of the Whole shall constitute General Orders and shall be considered in the Committee of the Whole on a day subsequent to such referral in the order of their reference, unless the Senate or the Committee of the Whole otherwise determines.

b) No bill or joint resolution shall bypass consideration by the Committee of the Whole.

**3.704 CHAIRPERSON OF THE COMMITTEE OF THE WHOLE**

The presiding officer shall, when the Senate resolves itself into the Committee of the Whole, designate a Senator as chairperson of the Committee, unless otherwise ordered by the Senate. Senators shall be designated alphabetically. The Majority and Minority Floor Leaders shall submit to the Secretary of the Senate names of designees for members of their respective caucuses when they are unable to serve.

**3.705 RULES IN THE COMMITTEE OF THE WHOLE**

a) The rules of the Senate shall be observed in the Committee of the Whole so far as may be applicable, except limiting debate, ordering the previous question, suspension of rules, or taking the yeas and nays. However, no speech shall exceed five minutes. A motion that the Committee rise shall always be in order and decided without debate. Motions in the Committee of the Whole recommending action by the Senate shall take precedence in the same order as identical motions made during a session of the Senate. Motions to recess or reconsider are in order in the Committee of the Whole.

b) No statement made during the Committee of the Whole shall be printed in the Journal.

c) In the event the Senate is in session in the Committee of the Whole at 11:55 p.m., it shall be the duty of the chairperson to declare the Committee of the Whole to have risen. The Committee of the Whole shall automatically rise and the presiding officer of the Senate shall resume the chair.

**3.706 BILLS ORDERED TO THIRD READING**

All bills and joint resolutions recommended for passage or adoption by the Committee of the Whole shall be placed on Third Reading of Bills by the Secretary of the Senate, and shall be taken up in the same order as they were advanced to the order of Third Reading of Bills unless otherwise ordered by the Senate.

**CHAPTER III - SECTION 8  
PARLIAMENTARY PROCEDURE**

**3.801 AUTHORITY AND PRECEDENCE OF SENATE RULES**

a) The principal sources of authority for Senate rules are, in the order of precedence, as follows:

- 1) Constitutional Rules
- 2) Fundamental Legal Principles
- 3) Statutory Rules

- 4) Adopted Rules
- 5) Adopted Parliamentary Authority
- 6) Parliamentary Law
- 7) Customs and Usages
- 8) Judicial Decisions

Judicial decisions have the lowest precedence of the sources cited except to the extent they are interpretations of rules from one of the other sources. In those instances, they take the same precedence as the source which is interpreted.

b) Rules from the source with the higher precedence prevails when there are conflicts between rules from different sources.

### **3.802 MANUAL OF LEGISLATIVE PROCEDURE**

The rules of parliamentary practice in the most recent edition of Mason's "Manual of Legislative Procedure" shall govern all cases except when they are inconsistent with the Standing Rules and precedents of the Senate.

### **3.803 RULES OF A NEWLY CONVENED SENATE**

The Senate rules which are in effect when the Senate adjourns sine die in an even numbered year shall be the temporary rules of the Senate when it convenes at twelve o'clock noon on the second Wednesday in January of the following odd numbered year and shall remain in effect until other temporary or permanent rules are adopted (see MCL 4.42).

### **3.804 AMENDMENT OR REPEAL OF SENATE RULES**

The repeal or amendment of any rule shall be accomplished only by resolution. All proposed amendments or repeals of Senate rules shall be referred to the Committee on Government Operations for consideration. The adoption of a proposed resolution for the repeal or amendment of any rule shall require a majority of the Senators elected and serving.

### **3.805 SUSPENSION OF RULES**

The suspension of any Senate rule or adopted parliamentary authority shall require a majority of the Senators elected and serving.

## **CHAPTER III - SECTION 9 PRIVILEGE AND CONDUCT ON THE FLOOR**

### **3.901 MEMBERS OF THE MEDIA**

Members of the media shall register with the Secretary of the Senate. The following provisions shall govern the registration process:

- 1) A member of the media shall be defined as a person employed by or working as:
  - a) A newspaper (as defined by U.S. postal regulations);
  - b) A broadcast station licensed by the Federal Communications Commission, or a network serving one or more licensed broadcast stations;
  - c) A cable television system with a franchise granted by a Michigan unit of government, or a network serving one or more franchised cable systems;
  - d) A wire service; or
  - e) An independent contractor on assignment to report state government news for an organization described above.
- 2) A visiting member of the media shall register on a daily basis at least 30 minutes before the start of session with the Secretary of the Senate.
- 3) The Secretary of the Senate may, under special circumstances, register representatives of the media not defined above if it is determined to be in the public interest.
- 4) Technicians for broadcast/cable stations shall also be registered when accompanying members of the media and shall be subject to the same rules.
- 5) The Secretary of the Senate may revoke the registration of any member of the media for cause. Cause shall include, but not be limited to, a change in employment status, lobbying or acting as a lobbyist agent, disrupting Senate proceedings, or refusing to comply with Senate rules or the directives of the presiding officer, Senate Majority Leader, or Secretary of the Senate. A decision to revoke registration may be appealed to the Committee on Government Operations.
- 6) Members of the media may talk with a Senator in the front entry or the hallway behind the Senate rostrum. Members of the media, notwithstanding Senate Rule 3.902, may leave the media's designated area and talk with Senators in the Chamber immediately following adjournment.
- 7) Members of the media shall enter from the north main door or the two south doors on either side of the rostrum and shall proceed directly to the areas designated for the media. If a member of the media enters through the north main door, he or she shall proceed directly to the areas designated for the media using the east or west side aisles only. Members of the media shall not enter the cloak room or the restrooms of the Senate Chamber.
- 8) Members of the media may film, videotape, or photograph the Senate session from the media's designated area. During the first 20 minutes after the attendance roll call, with permission from the Senate, members of the media shall be allowed to film, videotape, or photograph from along the full length of the east and west side aisles.

9) A member of the media, including a broadcast technician, shall be entitled to record Senate session as long as it does not disrupt the proceedings of the Senate. "Record" shall mean videotaping, photographing, filming, taping, or electronically transmitting Senate proceedings or activities on the Senate floor when the Senate is in session.

### **3.902 FLOOR PRIVILEGE AND CONDUCT**

A) A session of the Senate shall be defined, for the purposes of this rule, as any period of time when the Senate is in session, any recess, and any 15-minute period before the Senate convenes and five minutes after it adjourns. The Senate floor is defined as the Senate Chamber and adjoining Rooms S212, S204 (E. Lakin Brown Room), S204A, S201 and S207. Access to the Senate floor shall be restricted as outlined below during any session of the Senate, except that members of the public are permitted in Room S204 when a scheduled press conference is held there during session.

1) No person, other than the following, shall be admitted to the Senate floor:

- a) Senators or Representatives
- b) The President of the Senate
- c) The Governor
- d) Senators or Representatives in Congress
- e) Former Michigan Legislators
- f) The Secretary of the Senate and his or her support staff
- g) Legislative staff as authorized in guidelines issued by the Senate Majority Leader
- h) One representative of the Governor
- i) Members of the immediate family of a Senator or the President of the Senate
- j) Registered members of the media pursuant to Rule 3.901

k) A guest who has been invited by a Senator to offer the invocation, and an immediate family member of that guest.

2) No registered lobbyist agent, including former Legislators, shall be allowed on the Senate floor. They shall not be allowed in the hallway behind the Senate rostrum, unless en route to or from the Lieutenant Governor's Office (S215) or the Elijah Myers Room (S208).

B) No person shall engage in any conduct on the Senate floor during any session of the Senate which undermines the decorum of the Senate. All persons who are admitted to the Senate floor shall observe the following guidelines:

1) No Senator shall speak until recognized by the presiding officer, unless the Senator rises to make a point of order.

2) Except as otherwise outlined in other Senate rules, no Senator shall speak on any matter not properly before the Senate.

3) No Senator shall speak more than twice in any one debate on the same day, without leave of the Senate, except the Senator who sponsored the matter under consideration, the Senator who sponsored the bill or resolution if an amendment is under consideration, the chairperson of the committee which reported it and the chairperson of the subcommittee which considered the matter. Each speech shall not exceed five minutes or, if submitted in writing, not exceed 1,000 words, except there is no limit on the length of a speech on Third Reading of Bills or an oral dissent statement.

4) No Senator shall speak impertinently, attack the motives of any Senator who proposes or advocates a particular position, use indecent language or other disorderly words, or refer to another Senator by name in a disparaging way.

5) No Senator shall use a display, exhibit, or prop on the Senate floor during discussions, debate, statements, or the announcement of the introduction of a bill or resolution.

6) No person other than a Senator or the President of the Senate shall pass through the well of the Senate Chamber which is immediately in front of the Senate rostrum.

7) No person shall pass between the presiding officer and a Senator who is speaking.

8) No person other than a Senator or the President of the Senate shall use the center aisle of the Chamber.

9) No person other than a Senator shall sit in a Senator's chair.

10) No staff shall be allowed on the Senate floor unless they wait in the majority or minority lounge or the lounge at the rear of the Chamber until they are needed by a Senator and shall then be seated at a Senator's desk.

11) No member of the media shall be allowed on the Senate floor unless he or she is in the media's designated area, except as otherwise provided in Rule 3.901.

12) No smoking shall be permitted on the Senate floor.

13) All individual electronic devices shall be turned off or on non-audible alert during Senate session. Failure to follow a warning issued by the presiding officer or Chair may result in the device(s) being confiscated for the duration of the session upon direction of the presiding officer or Chair.

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

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

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

Senator Hammerstrom offered the following concurrent resolution:

**Senate Concurrent Resolution No. 1.**

A concurrent resolution granting authority for adjournment for more than 2 days.

Resolved by the Senate (the House of Representatives concurring), That each House hereby grants unto the other permission to adjourn for not more than 15 intervening calendar days at such times as each House shall determine at any time during the 2005 and 2006 regular sessions.

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

Senator Hammerstrom moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senator Hammerstrom offered the following concurrent resolution:

**Senate Concurrent Resolution No. 2.**

A concurrent resolution prescribing the Joint Convention Rules for the Legislature.

Resolved by the Senate (the House of Representatives concurring), That the following be and are hereby adopted as the Joint Convention Rules of the Senate and House of Representatives:

**JOINT CONVENTION RULES OF THE  
SENATE AND HOUSE OF REPRESENTATIVES**

**Held in Hall of House.**

Rule 1. Joint conventions shall be held in the Hall of the House of Representatives, or such other location as may be agreed to by the Speaker of the House of Representatives and the Majority Leader of the Senate. The President of the Senate or, in the absence of the President of the Senate, the Speaker of the House shall preside. Before the 2 Houses shall meet in joint convention, a concurrent resolution shall be introduced in one House setting forth the date and hour at which the joint convention shall meet, which, if adopted, shall be transmitted to the other House for concurrence.

**Secretaries-Journals.**

Rule 2. The Secretary of the Senate and Clerk of the House of Representatives shall be the secretaries of the joint convention. The proceedings of the joint convention shall be published with the Journals of the House, and the final result, as announced by the President on the return of the Senate to its chamber, shall be entered on the Journals of the Senate.

**Rules of House to Govern.**

Rule 3. The rules of the House of Representatives, so far as the same may be applicable, shall govern the proceedings in joint convention.

**President pro tempore of Convention.**

Rule 4. Whenever the Speaker of the House presides, he or she shall be entitled to vote on all occasions, and in case of a tie the question shall be declared lost.

**Power to Compel Attendance.**

Rule 5. Joint conventions shall have the power to compel the attendance of absent members in the mode and under the penalties prescribed in the rules of the House to which such members respectively belong, and for that purpose the Sergeant at Arms of each House shall attend.

**May Adjourn from Time to Time.**

Rule 6. Joint conventions may adjourn from time to time, as may be found necessary, and it shall be the duty of the House of Representatives to prepare to receive the Senate, and of the Senate to proceed to the joint convention, at the time fixed by law or resolution, or to which the joint convention may have adjourned.

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

Senator Hammerstrom moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

The Secretary announced that the Majority Leader has made the appointment of the following standing committees:

**Technology and Energy** - Senator Kuipers (VC) replacing Senator Toy (VC).

**Commerce and Labor** - Senator Toy (VC) replacing Senator Kuipers (VC).

The standing committee appointments were approved, a majority of the members serving voting therefor.

### Certified List of Representatives

The following communication was received and read:  
Department of State

November 22, 2004

Enclosed is a certified list of the members-elect to the State House of Representatives as shown by the November 2, 2004 General Election returns on file with this office. Also enclosed is a copy of the official canvass of the votes cast at the election.

Sincerely,  
Christopher M. Thomas  
Director of Elections

I, Terri Lynn Land, Secretary of State and Custodian of the Great Seal of the State of Michigan, certify that attached is the list of the members-elect for the State House of Representatives for the term January 1, 2005 to January 1, 2007, as shown by the November 2, 2004 General Election returns on file in this office.

[SEAL]

In Testimony Whereof, I have hereunto set my hand and  
affixed the Great Seal of the State at the Capitol, in the  
City of Lansing.

November 22, 2004

Terri L. Land  
Secretary of State

### Members-Elect of the House of Representatives

District	Party	Name	Address
1	Rep	Edward J. Gaffney	283 Kenwood Court, Grosse Pointe Farms 48236
2	Dem	Lamar Lemmons, Jr.	8523 E. Outer Drive, Detroit 48213
3	Dem	Lamar Lemmons III	11000 Chalmers, Apt. #4, Detroit 48213
4	Dem	Mary D. Waters	P.O. Box 07545, Detroit 48207
5	Dem	Bill McConico	18134 Dequindre, Detroit 48234
6	Dem	Marsha G. Cheeks	2295 Longfellow, Detroit 48206
7	Dem	Virgil Smith	19450 Gloucester, Detroit 48203
8	Dem	George Cushingberry, Jr.	18201 Cherrylawn, Detroit 48221
9	Dem	Tupac A. Hunter	24461 Pembroke, Detroit 48219
10	Dem	Gabe Leland	19403 West Warren, Apt. #2, Detroit 48228
11	Dem	Morris W. Hood III	8872 Cloverlawn, Detroit 48204
12	Dem	Steve Tobocman	P.O. Box 9746, Detroit 48209
13	Dem	Barbara A. Farrah	15442 Kennebec, Southgate 48195
14	Dem	Ed Clemente	1704 Riverbank, Lincoln Park 48146
15	Dem	Gino H. Polidori	22950 Park, Dearborn 48124
16	Dem	Jim A. Plakas	6631 Golfview, Garden City 48135
17	Dem	Andy Dillon	26284 Graham, Redford Township 48239
18	Dem	Glenn S. Anderson	34300 Parkgrove Drive, Westland 48185
19	Rep	John R. Pastor	18723 Vanderhaven, Livonia 48152
20	Rep	John C. Stewart	14956 Maplewood, Plymouth 48170
21	Rep	Philip J. LaJoy	1256 Crowndale Lane, Canton 48188
22	Dem	Hoon-Yung Hopgood	P.O. Box 25, Taylor 48180
23	Dem	Kathleen Law	29866 Lowell, Gibraltar 48173
24	Rep	Jack Brandenburg	37596 Huron Pointe Drive, Harrison Township 48045
25	Dem	Steve Bieda	32721 Valley Drive, Warren 48093
26	Dem	Marie Donigan	612 South Dorchester Avenue, Royal Oak 48067
27	Dem	Andy Meisner	582 East Drayton, Ferndale 48220
28	Dem	Lisa Wojno	27314 Larose, Warren 48093
29	Dem	Clarence E. Phillips	809 Bay Street, Pontiac 48342
30	Rep	Tory Rocca	37139 Camelot Drive, #271, Sterling Heights 48312
31	Dem	Fred Miller	162 Riverside Drive, Mount Clemens 48046
32	Rep	Dan Acciavatti	49839 Miller Court, New Baltimore 48047
33	Rep	Leon Drolet	22615 Francis, St. Clair Shores 48082
34	Dem	Brenda Clack	3120 Helber Street, Flint 48504
35	Dem	Paul Condino	21170 Winchester, Southfield 48076
36	Rep	Brian Palmer	11070 West Gates Road, Romeo 48065

District	Party	Name	Address
37	Dem	Aldo Vagnozzi	26193 Kiltartan, Farmington Hills 48334
38	Rep	Craig M. DeRoche	1620 West Lake, Novi 48377
39	Rep	David Law	6766 Glenway Drive, West Bloomfield 48322
40	Rep	Shelley Goodman Taub	1959 Shore Hill Drive, Bloomfield Hills 48302
41	Rep	Robert Gosselin	2915 Lenox, Troy 48098
42	Dem	Frank Accavitti, Jr.	15506 South Park, Eastpointe 48021
43	Rep	Fran Amos	4079 Aquarina, Waterford 48329
44	Rep	John P. Stakoe	P.O. Box 763, Highland 48356
45	Rep	John Garfield	1347 Ruby, Rochester Hills 48309
46	Rep	James Marleau	3181 Sandoval, Lake Orion 48360
47	Rep	Joe Hune	P.O. Box 919, Hamburg 48139
48	Dem	John J. Gleason	604 Leland Street, Flushing 48433
49	Dem	Lee Gonzales	2460 Murphy Road, Flint 48504
50	Dem	Paula K. Zelenko	5425 Sitka Street, Burton 48519
51	Rep	Dave Robertson	5511 Wakefield Road, Grand Blanc 48439
52	Dem	Pam Byrnes	17381 North M-52, Chelsea 48118
53	Dem	Chris Kolb	803 Edgewood Place, Ann Arbor 48103
54	Dem	Alma Wheeler Smith	P.O. Box 970977, Ypsilanti 48197
55	Dem	Kathy Angerer	P.O. Box 157, Dundee 48131
56	Dem	Herb Kehrl	2539 Deborah Drive, Monroe 48162
57	Dem	Dudley Spade	P.O. Box 157, Tipton 49287
58	Rep	Bruce Caswell	8940 East Bacon Road, Hillsdale 49242
59	Rep	Rick Shaffer	19958 Crescent Beach, Three Rivers 49093
60	Dem	Alexander C. Lipsey	2324 South Park Street, Kalamazoo 49001
61	Rep	Jack Hoogendyk	8607 West R Avenue, Kalamazoo 49009
62	Rep	Mike Nofs	P.O. Box 219, Battle Creek 49016
63	Rep	Lorence Wenke	9180 West Gull Lake Drive, Richland 49083
64	Rep	Rick Baxter	7000 Hanover Road, Hanover 49241
65	Rep	Leslie Mortimer	P.O. Box 1222, Jackson 49204
66	Rep	Chris Ward	5034 South Old US 23, Brighton 48114
67	Dem	Dianne Byrum	4933 Bellevue Road, Onondaga 49264
68	Dem	Michael C. Murphy	P.O. Box 12276, Lansing 48901
69	Dem	Gretchen Whitmer	1456 Meadowbrook Lane, East Lansing 48823
70	Rep	Judy Emmons	506 East Carson City Road, Sheridan 48884
71	Rep	Rick Jones	P.O. Box 115, Grand Ledge 48837
72	Rep	Glenn Steil, Jr.	4828 Greenhill Court, S.E., Grand Rapids 49546
73	Rep	Tom Pearce	5530 Sunfish Lake Avenue, Rockford 49341
74	Rep	William Van Regenmorter	1920 Fruitwood Street, Jenison 49428
75	Rep	Jerry Kooiman	1708 Adams, S.E., Grand Rapids 49506
76	Dem	Michael G. Sak	236 Valley, N.W., Grand Rapids 49504
77	Rep	Kevin Green	4754 Karel Jean Court, S.W., Wyoming 49509
78	Rep	Neal Nitz	P.O. Box 148, Baroda 49101
79	Rep	John M. Proos IV	2695 Hillview Lane, St. Joseph 49085
80	Rep	Tonya Schuitmaker	29924 60th Avenue, Lawton 49065
81	Rep	Phillip J. Pavlov	1577 South Allen Road, St. Clair 48079
82	Rep	John Stahl	3790 Five Lakes Road, North Branch 48461
83	Dem	John Espinoza	121 Wells Street, Croswell 48422
84	Rep	Tom Meyer	1963 South Van Dyke Road, Bad Axe 48413
85	Rep	Richard J. Ball	5370 West Garrison Road, Laingsburg 48848
86	Rep	Dave Hildenbrand	2700 Timpson Avenue, Lowell 49331
87	Rep	Gary Newell	7310 MacArthur Road, Saranac 48881
88	Rep	Fulton J. Sheen	303 East Grant, Plainwell 49080
89	Rep	Barbara Vander Veen	6185 Alger, Allendale 49401
90	Rep	Bill Huizenga	45 Sanford Street, Zeeland 49464
91	Rep	David Farhat	3461 Whispering Woods Drive, Muskegon 49444
92	Dem	Doug Bennett	2339 Windy Ridge Drive, Muskegon 49442
93	Rep	Scott Hummel	P.O. Box 412, DeWitt 48820
94	Rep	Roger Kahn	3177 Monticello, Saginaw 48603
95	Dem	Carl M. Williams	3424 Fulton Street, Saginaw 48601
96	Dem	Jeff Mayes	4297 Zander Drive, Bay City 48706
97	Rep	Tim Moore	9685 South Creek View Drive, Farwell 49738

District	Party	Name	Address
98	Rep	John Moolenaar	P.O. Box 2244, Midland 48641
99	Rep	Bill Caul	P.O. Box 384, Mount Pleasant 48858
100	Rep	Goeff Hansen	P.O. Box 167, Hart 49420
101	Rep	David Palsrok	2051 12th Street, Manistee 49660
102	Rep	Darwin L. Booher	P.O. Box 971, Evart 49631
103	Dem	Joel A. Sheltroun	P.O. Box 443, West Branch 48661
104	Rep	Howard Walker	8481 Underwood Ridge, Traverse City 49686
105	Rep	Kevin A. Elsenheimer	P.O. Box 114, Bellaire 49615
106	Dem	Matt Gillard	P.O. Box 284, Alpena 49707
107	Dem	Gary McDowell	10820 Glen Street, Rudyard 49780
108	Rep	Tom Casperson	5372 K. 5 Road, Escanaba 49829
109	Dem	Stephen Adamini	27 Oak Hill Drive, Marquette 49855
110	Dem	Rich Brown	606 East Longyear Street, Bessemer 49911

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

January 4, 2005

Pursuant to MCL 38.1026, I am making the following appointments to the Legislative Retirement Board of Directors:

Senator Beverly Hammerstrom  
Senator Burton Leland  
Former Senator Loren Bennett, representing deferred vested members  
Former Representative Don Gilmer, representing defined contribution members  
If you have any questions please call Bill Sullivan in my office at 373-0797.

Respectfully,  
Senator Ken Sikkema  
Senate Majority Leader

The statutory committee appointments were approved, a majority of the members serving voting therefor.

The following communications were received:  
Office of the Auditor General

January 7, 2005

Enclosed is a copy of the following audit report:  
Performance audit of the Bureau of Health Systems, Department of Community Health.

January 11, 2005

Enclosed is a copy of the following audit report:  
Performance audit of the Traffic and Safety Support Area, Bureau of Highway Delivery, Michigan Department of Transportation.

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

The communications were referred to the Secretary for record.

### Messages from the Governor

The following messages from the Governor were received and read:

January 3, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to office under Section 2 of 1975 PA 164, MCL 18.302:

#### Commission on Spanish-Speaking Affairs

Ms. Arminda Garcia of 1604 East Court, Flint, Michigan 48503, county of Genesee, succeeding Emily Martinez, whose term has expired, representing the general public, for a term commencing January 3, 2005 and expiring December 10, 2007.



Ms. Debra M. Rivera-Ehrmann of 3137 Pine Crest Way, Auburn Hills, Michigan 48326, county of Oakland, succeeding John Sanchez, whose term has expired, representing the general public, for a term commencing January 3, 2005 and expiring December 10, 2007.

Mr. Henry A. Sanchez of 6029 Potters Road, Saranac, Michigan 48881, county of Ionia, succeeding Randall Fernandez, whose term has expired, representing the general public, for a term commencing January 3, 2005 and expiring December 10, 2007.

Ms. Luisa-Inez B. Schumacher of 425 College, S.E. #6, Grand Rapids, Michigan 49503, county of Kent, succeeding Johnny Morales, whose term has expired, representing the general public, for a term commencing January 3, 2005 and expiring December 10, 2007.

Mr. Enrique Carrillo of 2881 Colonial Trail, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent the general public, for a term expiring December 10, 2007.

January 6, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to office under Section 2 of 1960 PA 77, MCL 390.952:

**Michigan Higher Education Assistance Authority**

Ms. Colleen M. McNamara of 4276 Tacoma Boulevard, Okemos, Michigan 48864, county of Ingham, succeeding Donald Nugent, whose term has expired, representing Michigan State University, for a term commencing January 6, 2005 and expiring May 22, 2008.

The Honorable Jack D. Minore of 610 Commonwealth Avenue, Flint, Michigan 48503, county of Genesee, succeeding Sarah Richardville, whose term has expired, representing citizens of the state, for a term commencing January 6, 2005 and expiring May 22, 2008.

Ms. Gina M. Torielli of 1810 Marie Circle, West Bloomfield, Michigan 48302, county of Oakland, succeeding Julianne Princinsky, whose term has expired, representing private occupational schools, for a term commencing January 6, 2005 and expiring May 22, 2008.

Mr. James E. Barker IV of 1640 Bretton Drive North, Rochester Hills, Michigan 48309, county of Oakland, reappointed to represent an eligible lending institution, for a term expiring May 22, 2008.

January 7, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office pursuant to Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279:

**Commission of Agriculture**

Mr. Dale N. Norton, a Republican, of 398 Slisher Road, Bronson, Michigan 49028, county of Branch, succeeding William Pridgeon, whose term has expired, appointed for a term commencing January 7, 2005 and expiring December 31, 2008.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

**Messages from the House**

The following message was received and read:

January 12, 2005

By direction of the House of Representatives, I hereby notify you that a quorum of the House of Representatives has convened pursuant to the requirements of the Constitution and is ready to proceed with the business of the session.

Further, I am directed by the House to notify you that the House of Representatives has elected Representative Craig DeRoche, Speaker; Representative Jerry Kooiman, Speaker Pro Tempore; Representatives Bruce Caswell and Kevin Elsenheimer, Associate Speakers Pro Tempore; and Gary L. Randall, Clerk.

Very respectfully,  
Gary L. Randall, Clerk  
House of Representatives

### Introduction and Referral of Bills

Senators Bernero and George introduced

**Senate Bill No. 1, entitled**

A bill to create the office of the legislative mental health ombudsman; to prescribe the powers and duties of the legislative mental health ombudsman, the legislative council, certain state departments and officers, and certain county and private agencies serving children; and to provide remedies from certain administrative acts.

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

Senator Jelinek introduced

**Senate Bill No. 2, entitled**

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 4, 15, 19, and 21 (MCL 287.653, 287.654, 287.665, 287.669, and 287.671), sections 3, 15, 19, and 21 as amended by 1998 PA 299 and section 4 as amended by 1993 PA 228.

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

Senator Stamas introduced

**Senate Bill No. 3, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 48.

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

Senator Brater introduced

**Senate Bill No. 4, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1561 and 1596 (MCL 380.1561 and 380.1596), section 1561 as amended by 1996 PA 339, and by adding section 1591.

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

Senator Brater introduced

**Senate Bill No. 5, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 726 (MCL 168.726) and by adding sections 750a and 750b.

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

Senator Brater introduced

**Senate Bill No. 6, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 491, 497, and 497a (MCL 168.491, 168.497, and 168.497a), sections 491 and 497 as amended by 1989 PA 142 and section 497a as amended by 1986 PA 220, and by adding section 499e.

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

Senator Brater introduced

**Senate Bill No. 7, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701, 32702, 32705, 32706, 32707, 32708, 32709, 32710, 32711, 32712, and 32713 (MCL 324.32701, 324.32702, 324.32705, 324.32706, 324.32707, 324.32708, 324.32709, 324.32710, 324.32711, 324.32712, and 324.32713), sections 32701, 32705, 32707, and 32708 as amended by 2003 PA 148, sections 32702, 32709, 32710, 32711, and 32713 as added by 1995 PA 59, and sections 32706 and 32712 as amended by 1996 PA 434, and by adding sections 32702a, 32712a, 32712b, 32712c, 32712d, 32712e, 32712f, 32712g, 32713a, 32715, 32716, and 32717.

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

Senator Brown introduced  
**Senate Bill No. 8, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 12 and 41 (MCL 432.12 and 432.41), section 12 as amended by 2002 PA 471 and section 41 as amended by 1997 PA 72.

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

Senator Brown introduced  
**Senate Bill No. 9, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685 and 2688 (MCL 333.2685 and 333.2688).

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

Senator Brown introduced  
**Senate Bill No. 10, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212c. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Brown introduced  
**Senate Bill No. 11, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 503a.

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

Senator Brown introduced  
**Senate Bill No. 12, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Brown introduced  
**Senate Bill No. 13, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Brown introduced  
**Senate Bill No. 14, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Clark-Coleman introduced  
**Senate Bill No. 15, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Clark-Coleman introduced  
**Senate Bill No. 16, entitled**

A bill to regulate check cashing businesses; to provide for licensing and fees; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Senator Clark-Coleman introduced

**Senate Bill No. 17, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 3b and 5 (MCL 125.583b and 125.585), section 3b as amended by 1993 PA 210 and section 5 as amended by 2000 PA 20.

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

Senator Clark-Coleman introduced

**Senate Bill No. 18, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 11a to chapter XIA.

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

Senator Clark-Coleman introduced

**Senate Bill No. 19, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 55, and 115b (MCL 400.18c, 400.55, and 400.115b), section 55 as amended by 1998 PA 516 and section 115b as amended by 2004 PA 193, and by adding section 18b.

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

Senator Clark-Coleman introduced

**Senate Bill No. 20, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1282b.

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

Senator Clark-Coleman introduced

**Senate Bill No. 21, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2107a.

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

Senator Clark-Coleman introduced

**Senate Bill No. 22, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10t (MCL 460.10t), as added by 2000 PA 141.

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

Senator Scott introduced

**Senate Bill No. 23, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2203.

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

Senator Scott introduced

**Senate Bill No. 24, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 223a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Scott introduced

**Senate Bill No. 25, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3149. The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

Senator Scott introduced

**Senate Bill No. 26, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492.

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

Senator Scott introduced

**Senate Bill No. 27, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2127 (MCL 500.2127) and by adding section 2128.

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

### Statements

Senators Scott, Sikkema, Olshove, Cropsey and Sanborn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott’s statement is as follows:

Happy New Year to everyone, and let me first introduce a new staffer of mine, Brian Love, who will be working with me.

And remember before I left during the holidays, I reminded all of my colleagues that we were to think about insurance because there are those in all of our communities who are paying high insurance rates. We have a new chance now. It’s 2005 and we can truly make a difference in people’s lives.

You know, as we stood up and pledged to the Michigan flag, it was about how everyone of us is supposed to be equal and the same. So here in this chamber, we have the opportunity to do that when it comes to insurance so that people can have a better quality of life. So I have some bills that I would hope that all of us would work on for the betterment of all of the people of this state so that we can all have a better quality of life in 2005.

So God bless you, and I look forward to working with you again this year.

Senator Sikkema’s statement is as follows:

Madam President and members, first of all, I want to wish everyone a Happy New Year and welcome back. It’s particularly gratifying to have Senator Olshove back with us. Dennis, you are looking hale and healthy—I assume you are. It’s nice to have you with us again.

I rise to make a few comments this morning not on the agenda that we all need to pursue this year, but in recognition and memory of former State Representative Frank Fritzgerald, who passed away while we were not in session last month. He was 49 years old. I’m still shocked and saddened by his passing and I still grieve. He was a friend of mine. He and I were elected in the same year to the House in 1986.

Frank was a tremendous person, as I mentioned, a colleague of mine, a colleague of, actually, many people in this room, and he was just a tremendous public servant. He came from a remarkable family. His father—although Frank never served in this body—served in the Michigan Senate, as well as on the Michigan Supreme Court. His grandfather served as Governor of this state, and his great-grandfather served as a State Representative. Just an incredible family legacy of service to the state of Michigan that is unparalleled. It will never, probably, be rivaled in this state.

I served with Frank on a number of committees. I served with him, for example, on the insurance committee in the House. Frank served as Speaker pro tempore of the House when I was the Majority Floor Leader, and if my memory serves me correctly, he served as Speaker pro tempore prior to that. It's hard to try to put into words his remarkable accomplishments.

When I close my eyes, I see him today in front of the House Chamber, ruling, making decisions aggressively, yes, but also fairly. He was smart man, he worked hard, and he studied issues. When Frank got up to speak on the House floor, people listened because he had done his homework and done the background work, and he was a courageous man. He took positions that weren't always popular, even sometimes inside the Republican Caucus, which he served well. He was a courageous man, he was a dedicated public servant, and he had gifts of persuasion and intellect that were far above the standard for all of us. In many respects, I think he set the standard.

I grieve for his family. I continue to grieve at the passage of this remarkable man and public servant at the age of 49. He served the Engler administration. He was the insurance commissioner, and then when banking and insurance were recombined into the Office of Financial and Insurance Services, Frank was the first director of that office. So he served the state in many, many ways. I was convinced, as were many others, that his public service days had not ended, that we would have seen him again in some capacity in elective office.

He was a remarkable person, a dedicated public servant, and I think it would be appropriate—even though he didn't serve in this body—that we rise and provide the small token we can to this gentleman and his family for his public service.

A moment of silence was observed in memory of former State Representative Frank Fitzgerald.

Senator Olshove's statement is as follows:

It's good to be back. I never thought a room of legislators would look so good. Thank you for all your kind letters and cards. They made it easier for my family and myself to get through this. Right now I have a good old-fashioned, Michigan winter cold which feels pretty good, actually. If there is anything that I might have to try to alter in the future, it would probably be my sense of humor.

When I was in the hospital, I was around there shortly thereafter my operation, just near the election—the election had just past. I thought, boy, I'll say something funny. I was walking around the nurses station and the nurses said, "How do you feel?" I said, "Well, I feel pretty good physically, but now I think I'm the President." Now, they didn't laugh, so I have to be a little careful with that.

Thank you very much for all your kind thoughts and cards.

Senator Crospey's statement is as follows:

I have with me on the floor today Patrick Fieldler. Patrick is a senior at DeWitt High School, and he has been interning in my office for this last month. I believe next school year he plans to attend Michigan State University and be in the James Madison College. He has been doing a tremendous amount of work in the office, and we have appreciated him. I just wanted him to know that I appreciate his work and look forward to, perhaps, someday he might be gracing one of these halls not as an intern, maybe not as a staff member, but perhaps as a legislator himself.

So I just wanted to say thank you, Patrick, for your work.

Senator Sanborn's statement is as follows:

I, too, like Senator Cropsey would like to introduce one of my interns, who is likewise from James Madison College at Michigan State University. Kyle Kaminski is interning for me this term, and he is here from Chicago.

I would like my colleagues to greet Kyle.

Senator Hammerstrom moved that when the Senate adjourns today, it stands adjourned until Tuesday, January 25. The motion prevailed.

Senator Hammerstrom moved that the Senate adjourn. The motion prevailed, the time being 12:37 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, January 25, 2005, at 10:00 a.m.