

No. 10
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, February 6, 2003.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Pastor Bob Prange of Grove Bible Church of St. Johns offered the following invocation:

Father, we come to You this morning acknowledging that You are God, that you are omnipotent, that You are omniscient. Lord, we are just people, and we need You. Father, we pray for the folks who represent us here in this chamber. Lord, we ask that You give them wisdom; Lord, that You give them a heart to be just. We pray that they might prove Your will and that they might have the persistence do it. Lord, we ask You to guide this chamber today and that Your blessing will be upon it. In Jesus' name. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Sikkema and McManus entered the Senate Chamber.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

January 21, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:16 a.m. this date, administrative rule (03-01-04) for the Department of Environmental Quality, Office of Administrative Hearings, entitled "*Contested Case Hearing and Request for Declaratory Ruling Procedures*," effective 7 days hereafter.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
Automobile Theft Prevention Authority

January 30, 2003

As chair of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2002 Annual Report to the Senate. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Clerk of the House. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,
Col. Stephen D. Madden
Director

The communication was referred to the Secretary for record.

Messages from the Governor

Director, Department of Corrections

William S. Overton, Okemos, Michigan 48864, county of Ingham, for a term commencing on January 1, 2003, and expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 9**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

The motion prevailed.

Senator Sikkema's statement is as follows:

I just wanted to make a few brief comments on behalf of Mr. Overton. He is currently and has been for some time the Director of the Department of Corrections. He clearly has the experience necessary to continue leading this department, I think. In front of the Government Operations Committee earlier this week, the members of the committee, as well as other Senators who sat in on that hearing, quickly became aware that this gentleman knows how to run the agency. This is a very capable, quality person of high integrity. He has directed this department for some time. He has had almost every administrative post possible in that agency. He appreciates the financial situation the state is in. He has analyzed that department every which way he can in terms of how he can cut costs and save money. He is fair-minded, he is a straight shooter, and I would hope the Senate confirms this appointment.

Senator Thomas' statement is as follows:

Mr. President, I would rise as to echo the sentiments of the Majority Leader and ask that we do offer our support of William Overton.

For more than thirty years, he has served the state of Michigan in the Department of Corrections with dignity and honor. He has held almost every position imaginable, and he is a professional. He is someone who understands that the Corrections Department has tremendous challenges, but through hard work and undergoing a true top to bottom review of this department, he will lead us along a path that is cost-efficient, as well as efficient and fair to the citizens of Michigan so our safety and security is guaranteed.

On a personal note, I've known Mr. Overton and his family for nearly twenty years. He is of the highest character. He comes from good stock, and he will constantly and consistently do the right thing. I would urge my colleagues to support William Overton and hope that he leads us with the distinction that I know he will.

Director, Department of History, Arts, and Libraries

William M. Anderson, 6348 W. Cambridge Drive, Ludington, Michigan 49431, county of Mason, for a term commencing on January 1, 2003, and expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 10**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Senators Sikkema, George, Clarke and Van Woerkom asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's statement is as follows:

Just very quickly, like the previous appointment that we just confirmed. Bill Anderson is actually on the job, and in fact, he is the founding director of the Department of History, Arts, and Libraries. Governor Engler appointed him in 2001. He has tremendous qualifications for that. He has done a great job over the years. One of the interesting notes that I would make about Mr. Anderson is that he's recognized as quite an expert on baseball in Michigan. There are times that I would kind of like to make what I would call contingent confirmations. If we could do it with this gentleman, I would make it contingent upon the Tigers doing a better job than they have in the last few years. That probably wouldn't be a fair burden.

Really, I hope that the Senate would confirm this appointment. He is an excellent individual. He has done a great job. Like all the department directors we have had in front of the committees, they are very aware of the budget situation, and they are working overtime to look at how they can cut costs.

Senator George's statement is as follows:

I rise also in support of Dr. Anderson's reappointment. I've known Dr. Anderson for over ten years prior to us both coming here to Lansing, and I can also speak to his credentials. He is an accomplished author, a past community college president, a past president of the Historical Society of Michigan, and a past member of the Michigan Humanities Council. I would agree that his appointment is important also because this is a new department. If you recall, it was just created about eighteen months ago, and Dr. Anderson has done a very good job pulling the various elements of this department together. I am pleased to see that the Governor has recommended his reappointment. I encourage my colleagues to support him as well.

Senator Clarke's statement is as follows:

Just to echo some of the remarks from my other colleagues. Yes, Dr. Anderson, he's got a great resume, experience as an administrator in four community colleges, and an author of five books.

I want to tell you something, those credentials alone weren't enough. The fine arts for me is a personal matter. I am trained as a painter. As a matter of fact, I am the first in my family to go to college. I went to college because I received a full scholarship in the fine arts. I wanted to talk to Dr. Anderson to see how he really felt about the arts and the role that they could play in our state. I know the arts can make a huge difference in people's lives. That man shares the passion that I do. He also understands that the arts can be a bridge to really appreciating diversity.

He explained to me with a lot of passion and joy about the people he has been able to meet by being involved as a leader of the arts. As a minority vice chair of the Appropriations Subcommittee on History, Arts, and Libraries, I do recommend the confirmation of Dr. William M. Anderson as its director.

Senator Van Woerkom's statement is as follows:

I, too, want to speak on behalf of Dr. Anderson. I've served on the board of the library of the state of Michigan for the last three years and have seen firsthand how he has stepped into the position as head of History, Arts, and Libraries. He has organized that department and did a wonderful job of organizing it and working with the people within the department. He has brought about a great spirit within the department. He is a real hands-on person and has a real personable nature about him. He also is a good ambassador for that department. He goes out around the state and builds people up. He has been a good ambassador for tourism as well. He goes to many of our cultural destination points and helps them to make links with many of our recreational points. He has been promoting cultural tourism, and I think that is a real positive for our state. He is a tremendous asset within that department.

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Allen as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 310 (MCL 484.2310), as amended by 2000 PA 295.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 8

The resolution consent calendar was adopted.

Senators Basham, Clark-Coleman, Cherry, Switalski, Scott, Emerson, Schauer, Jacobs and Bishop offered the following resolution:

Senate Resolution No. 8.

A resolution honoring the life of Clara Canning.

Whereas, It is with deep sadness that we acknowledge the remarkable life of Clara Canning of Taylor who died on January 7, 2003; and

Whereas, Clara Canning was born on February 22, 1922, to Hungarian immigrants in Dilles Bottom, Ohio, and was not expected to survive her infancy; and

Whereas, The Canning family moved to the Delray section of Detroit in the late 1920s, and Clara Canning graduated from Southwestern High School in 1940 and attended Wayne State University; and

Whereas, Clara Canning went to work at the Ford Motor Company in 1942 as one of the many "Rosie the Riveters" that provided the United States with the industrial strength to win World War II. Clara Canning worked at the bomber plant at Willow Run Airport, helping to make B-24 Liberation Bombers; and

Whereas, She continued her career at the Sheraton Cadillac Hotel in downtown Detroit and at the Ford Rouge Glass Plant where she met her husband Francis, whom she had two children with; and

Whereas, Mrs. Canning was featured in the 1999 television program "Empires of Industry, War Planes of World War II," which was aired on the History Channel; and

Whereas, Clara Canning was asked by the United States Postal Service to speak at the unveiling of the "Rosie the Riveter" series of commemorative stamps on July 29, 1999; and

Whereas, She was involved in public service for over twenty years, including twenty years as a volunteer on the Taylor Housing Commission; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor the life of Clara Canning; and be it further Resolved, That a copy of this resolution be transmitted to her son Frank Canning as a token of our esteem and condolences.

Senators Clarke, Toy, Brater, Garcia, Van Woerkom and Goschka were named co-sponsors of the resolution.

House Concurrent Resolution No. 6.

A concurrent resolution prescribing the Joint Rules of the House of Representatives and the Senate.

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

JOINT RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE

Transmission of Messages.

Rule 1. All messages necessary for conducting legislative business between the two Houses shall be communicated in writing and electronically by the Secretary of the Senate and the Clerk of the House of Representatives.

Amendments.

Rule 2. It shall be in the power of either House to amend an amendment made by the other to any bill or resolution.

Conference Committees.

Rule 3. (a) The House not concurring in the amendments of the other House shall appoint conferees and notify the amending House of its action. The amending House shall request return of the bill or resolution or appoint conferees. The conference committee shall consist of three members from each House, to be appointed as each House may determine. The first named member of the House in which the bill or resolution originated shall be chairperson of the conference committee. Upon appointment of conferees by both Houses, the bill or resolution shall be referred to the conference committee. When one House amends or substitutes a bill, but then non-concurs in that bill as amended or substituted, those amendments or that substitute shall not be referred. The conference committee shall serve until the conference report has been adopted by both Houses or rejected by a House.

(b) The conference committees of the two Houses shall vote separately while in conference. The majority of each committee shall constitute a quorum of each committee and shall determine the position to be taken toward the propositions of the conference committee. If the conferees agree, a report shall be made which shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report and three copies, shall be filed in the House of origin where the question shall be on the adoption of the conference report. If the conference report is adopted, in the House of origin, the bill or resolution, including the original signed conference report, and two copies of the conference report shall be transmitted to the other House where the question shall be on the adoption of the conference report. If the conference report is adopted in the other House the bill or resolution and the original signed copy of the conference report shall be returned to the House of origin and referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Conference Committee Clerk.

Rule 4. The conference committee clerk shall be from the House of origin, who shall notify the Secretary of the Senate and the Clerk of the House of Representatives of all scheduled meetings for public posting and shall deliver written notice to each member of the conference committee and the majority and minority leaders of each House indicating the time and place of all scheduled meetings. Conference committees on appropriation bills may use fiscal agency personnel for clerks.

Conference Report: Rejection.

Rule 5. If the conference report is rejected by the House of origin, it shall appoint second conferees and notify the other House of its action. The procedure shall then be the same as for an original conference.

If the conference report is rejected by the other House, it shall appoint second conferees, notify the House of origin of its action, and transmit the bill or resolution to the House of origin. Upon receipt of the bill or resolution, the House of origin shall appoint second conferees and refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Disagreement of Conferees.

Rule 6. If the conferees are unable to agree, a report of that fact shall be made to both Houses. The report, that the conferees were unable to agree, shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report that the conferees were unable to agree, and three copies shall be filed in the House of origin. Both Houses shall appoint second conferees, and the House of origin shall refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Second Conference: Failure.

Rule 7. When a second conference committee fails to reach agreement, or when a second conference report is rejected by either House, no further conference is in order.

Power of Conferees.

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two Houses.

For all bills making appropriations, adoption of a substitute by either House shall not open identical provisions contained in the other House-passed version of the bill as a matter of difference; nor shall the adoption of a substitute by either House open provisions not contained in either House version of the bill as a matter of difference.

When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill or resolution, the conferees may recommend amendments to conform with the agreement. In addition, the conferees may also recommend technical amendments to the other parts of the bill or resolution, such as, necessary date revisions, adjusting totals, cross-references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or resolution or the title.

Adoption of Conference Report.

Rule 9. Conference reports shall not be subject to amendments or division. The vote on conference reports shall be taken by “yeas” and “nays” and shall require the same number of votes constitutionally required for passage of the bill or adoption of the resolution. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a House by a majority vote in that House, provided that a copy of the conference report has been made available to each Member.

Conference Reports: Points of Order.

Rule 10. Points of order regarding conference reports shall be decided by the presiding officer, subject to an appeal, which appeal shall be determined by a majority vote. When a conference report is ruled out of order, the conference report is returned to the originating conference committee with instructions to eliminate from the report such matters as have been declared not within the powers of the conferees to consider.

Either House May Recede.

Rule 11. At any time while in possession of the bill or resolution, either House may recede from its position in whole or in part, and the bill or resolution upon request may be returned to the other House for that purpose. If this further action is agreed to by both Houses, the bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Correction of Errors.

Rule 12. If errors are found in a bill or resolution which has been passed or adopted by both Houses, the House in which the bill or resolution originated may make amendments to correct the errors and shall notify the other House of its action. If the corrective amendments are agreed to by the other House, the corrected bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

In addition, the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, shall correct obvious technical errors in the enrolled bill or resolution, including adjusting totals, misspellings, the omission or redundancy of grammatical articles, cross-references, punctuation, updating bill or resolution titles, capitalization, citation formats, and plural or singular word forms.

Bills and Joint Resolutions.

Rule 13. Upon introduction, no bill shall include catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause. The Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter. However, more than one section of the Constitution may be included in the same joint resolution if the subject matter of each section is germane to the proposed amendment.

Yeas and Nays.

Rule 14. The yeas and nays shall be taken and printed in the Journal of the House taking action upon the passage or adoption of any bill, joint resolution, conference report, and amendments made by the other House to a bill or joint resolution.

No Members Present.

Rule 15. In the event the presiding officer and all members are absent on a day scheduled for meeting, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall call that House to order at the designated time and announce the absence of a quorum. That House shall be declared adjourned until the succeeding legislative day and hour previously designated.

In any event where either or both Houses of the Legislature adjourns to a date certain for more than two days, a committee composed of the Majority Leader of the Senate and the Speaker of the House of Representatives may, by a unanimous vote of that committee, convene either or both Houses of the Legislature at any time in case of emergency.

If a gubernatorial appointment that is subject to the advice and consent process is made at a time such that 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. No other action shall be taken by the Senate during session convened under this provision. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session, and the Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

Passage, Adoption, and Enrollment Printing.

Rule 16. Every bill passed or joint resolution adopted by both Houses and returned to the House of origin shall forthwith be enrolled and signed by the Secretary of the Senate and the Clerk of the House of Representatives. Enrolled bills shall be presented to the Governor, and enrolled joint resolutions that propose an amendment to the Constitution shall be filed with the Secretary of State with a certificate attached to the effect that the joint resolution has been adopted by the Senate and House of Representatives, respectively, in accordance with the provisions of the Constitution. If the House having last passed the bill or adopted the joint resolution requests its return and such request be granted or a motion is made in the House of origin to amend errors in the bill or joint resolution or to give the bill immediate effect, the enrollment printing shall not occur.

Every bill, joint resolution, and concurrent resolution passed or adopted by either House shall be transmitted to the other House. If notice of a motion to reconsider on the next succeeding legislative day is made from the floor or written notice is filed with the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, the bill, joint resolution, or concurrent resolution shall remain in that House until after adjournment the next succeeding legislative day. The notice of reconsideration shall be printed on the daily calendar and in the Journal. If no motion is made in accordance with such notice, the bill, joint resolution, or concurrent resolution shall immediately be transmitted after adjournment.

Immediate Effect.

Rule 17. Whenever both Houses, by the constitutional vote, order that a bill take immediate effect, a statement shall be added at the enrollment of the bill in words to this effect: "This act is ordered to take immediate effect."

Joint Resolutions.

Rule 18. Joint resolutions shall be used for the following purposes:

1. Amendments to the Constitution of Michigan.
2. Ratification of amendments to the Constitution of the United States submitted by the Congress.
3. Matters upon which power is solely vested in the Legislatures of the several states by the Constitution of the United States.

Joint resolutions proposing amendments to the Constitution of Michigan shall require a 2/3 vote of the members elected and serving in each House for adoption. Other joint resolutions shall require a majority of the members elected and serving in each House for adoption. All joint resolutions shall require a record roll call vote.

Veto Override: Filing with Secretary of State.

Rule 19. When a bill is passed by both Houses over the objections of the Governor or a bill is not filed by the Governor with the Secretary of State within the constitutionally mandated 14-day period, and the Legislature continues in session, an official enrolled bill with a letter from the House of origin signed by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, shall be filed with the Secretary of State for a public act number to be assigned. The letter shall certify that the Governor's veto has been overridden by both Houses of the Legislature or that the bill has not been returned within the specified time, as the case may be, in accordance with the provisions of the Constitution.

Section Numbers of Compiled Laws - Amendments.

Rule 20. The title of every bill to amend or repeal existing laws shall be clear and explicit so as to definitely fix what is proposed to be done. Such title shall refer to the act number and the year in which it was passed. If the bill was passed at an extra session of the Legislature, the title shall designate which extra session.

Such title shall contain the last title of the act it is proposed to amend. However, the short title (e.g., This act shall be known and may be cited as "The judiciary act of 1915,") shall be used in acts where it has been defined by legislative enactment. The title shall also contain the chapter, part numbers and compiler's section numbers, if any, and the year of the compilation containing the same.

Following the passage of a bill with a short title, the House other than the House of origin shall replace the short title with the last full title of the act it is proposed to amend or repeal. Other corrective amendments to the title shall be made as may be necessary. The full title and amended title shall be agreed to by both Houses.

When an amendment to a bill or a bill to amend an existing law is printed, words proposed to be added to such law shall be printed in bold type, and the words to be omitted shall be printed in stricken-through type. This style requirement also applies to joint resolutions that amend the Constitution of Michigan.

All bills and joint resolutions introduced, amendments to joint resolutions, substitute bills and joint resolutions, and conference committee reports shall be approved as to form and section numbers by the Legislative Service Bureau.

Tie-bars.

Rule 21. A bill or resolution that is tie-barred to a request number shall not be considered for passage or adoption unless that tie-barred request item has been introduced. No bill or resolution shall be passed or adopted by either House until the tie-barred item has been designated in the appropriate blank space provided.

Elections in Joint Convention.

Rule 22. Whenever there is an election of any officer in joint convention, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives. The results shall be announced by the presiding officers to their respective Houses, printed in the Journal of each House, and communicated to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives.

Legislative Handbook.

Rule 23. The initial appointment of the standing committee members of the two Houses shall be printed in their respective Journals as soon as possible after the announcement. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and have printed a legislative handbook containing these appointments and other information they deem appropriate.

Compensation.

Rule 24. Compensation for members, officers, and employees of the Legislature shall be delivered to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and transmitted directly to the payee.

If the office of a member of the Legislature becomes vacant, the compensation for the elected successor shall begin on the date of his or her oath of office.

Committee Expenses.

Rule 25. No committee created by concurrent resolution shall incur expenses in excess of \$2,500.00 unless authorized in the resolution creating that committee.

Final Adjournment of Regular Sessions.

Rule 26. In the regular session in each year, this rule for adjournment shall govern.

The Majority Floor Leader of the Senate and/or the Majority Floor Leader of the House of Representatives shall introduce a concurrent resolution providing for an adjournment schedule for the Legislature for that regular session.

Daily Adjournment.

Rule 27. Neither House shall remain in session on any legislative day beyond 12:00 midnight. If either House is in session at 12:00 midnight, the presiding officer shall declare that House adjourned until a fixed hour for meeting on the next legislative day. That House shall stand adjourned until the next fixed meeting time.

Pending Business.

Rule 28. Any business, bill, or joint resolution which has not been defeated by either House shall be considered pending under the provisions of Article 4, Section 13 of the Constitution.

It shall not be in order for either House, by suspension of rules or any other means, to reconsider in a subsequent year the vote by which any business, bill, joint resolution, or veto override was defeated in a previous year unless there is a pending motion to reconsider offered in the odd-numbered year.

The House of Representatives has adopted the concurrent resolution.

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, a majority of the members serving voting therefor.

Senators Basham, Schauer, Clarke, Toy, Brater, Jacobs, Cassis, Allen, Kuipers, Garcia, Van Woerkman and Bishop were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 3.

A concurrent resolution to create the Joint Select Committee on Business Competitiveness.

(For text of resolution, see Senate Journal No. 8, p. 96.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senator Johnson introduced

Senate Bill No. 148, entitled

A bill to establish and regulate the court-appointed special advocate program.

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

Senators Brater, Jacobs, Cherry, Schauer, Prusi and Clark-Coleman introduced

Senate Bill No. 149, 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.

Senators Allen, George, Birkholz, Van Woerkom, Brater, Kuipers, Patterson, Hardiman, Switalski, Cropsey, Sanborn and Bernero introduced

Senate Bill No. 150, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78106, 78108, 78110, 78115, and 79112 (MCL 324.78106, 324.78108, 324.78110, 324.78115, and 324.79112), sections 78106, 78108, and 79112 as added by 1995 PA 58 and section 78110 as amended and section 78115 as added by 1998 PA 210.

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

Senator Clarke introduced

Senate Bill No. 151, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 6 of chapter V (MCL 765.6), as amended by 1988 PA 46.

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

Senator Clarke introduced

Senate Bill No. 152, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 792a (MCL 168.792a), as amended by 1996 PA 583.

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

Senator Clarke introduced

Senate Bill No. 153, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2002 PA 608.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Clark-Coleman, Schauer, Clarke, Barcia, Scott, Cherry, Jacobs, Leland and Emerson introduced

Senate Bill No. 154, 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.

Committee Reports

The Committee on Transportation reported

Senate Resolution No. 6.

A resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

(For text of resolution, see Senate Journal No. 6, p. 75.)

With the recommendation that the resolution be adopted.

Jud Gilbert
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland and Basham

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Transportation reported
Senate Concurrent Resolution No. 1.

A concurrent resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

(For text of resolution, see Senate Journal No. 6, p. 74.)

With the recommendation that the concurrent resolution be adopted.

Jud Gilbert
 Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland and Basham

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, February 4, 2003, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Leland and Basham

Excused: Senator Goschka

Scheduled Meetings

Administrative Rules - Tuesday, February 11, 3:00 p.m., Room 424, Capitol Building (373-2417)

Agriculture, Forestry and Tourism - Thursday, February 13, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Environmental Quality Department - Wednesday, February 19, 3:00 p.m., Room 110, Farnum Building (373-1725)

General Government - Tuesdays, February 11, February 18, and February 25, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

History, Arts, and Libraries - Tuesdays, February 11 and February 18, 1:00 p.m., Room 100, Farnum Building (373-0793)

Natural Resources Department - Wednesday, February 19, 4:00 p.m., Room 110, Farnum Building (373-1725)

Transportation Department - Tuesday, February 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Finance - Wednesday, February 12, 10:30 a.m. or later immediately following session, Room 110, Farnum Building (373-1758)

Government Operations - Tuesday, February 11, and Wednesday, February 12, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-0797)

Judiciary - Tuesday, February 11, 1:00 p.m., Room 210, Farnum Building (373-3760)

Local, Urban and State Affairs - Thursday, February 13, 1:00 p.m., Room 110, Farnum Building (373-1707)

Natural Resources and Environmental Affairs - Tuesday, February 11, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.
 The motion prevailed, the time being 10:28 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, February 11, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate