

No. 54
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, June 10, 1998.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present

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

Senator George A. McManus, Jr., of the 36th District offered the following invocation:

Let us bow our heads in prayer on this octave of the most Holy Trinity, one of the great mysteries of the church.

Prayer takes the form of petition and supplication at times and thanksgiving at other times. Let us be thankful that our ancestors had the foresight to leave a bad situation and come to a great country and make us free. Along with that, You've provided us with enough natural resources to make this a great, prosperous nation.

Let us ask for and pray for rain in all of the state. We have a little here in Lansing this morning. Our forests and fields in the rest of the state badly need soft rain to fall upon them. Along with the rain, give sunshine to this Legislature that we may accomplish what we were sent here to do in a rather speedy manner so that we may carry out what is needed and in the best interest of those who sent us here. Amen.

Senators Schuette, V. Smith, Posthumus, Gast, Jaye, Dunaskiss and Van Regenmorter entered the Senate Chamber.

Motions and Communications

Senator DeGrow moved that Senators Geake and Hoffman be temporarily excused from today's session. The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 9:
House Bill Nos. 4816 5648 5812

The Secretary announced the printing and placement in the members' files on Tuesday, June 9 of:
Senate Bill No. 1175

Senator Miller entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 200

Senate Bill No. 38

Senate Bill No. 752

Senate Bill No. 386

Senate Bill No. 866

Senate Bill No. 874

House Bill No. 4259

House Bill No. 5261

House Bill No. 5317

Senate Bill No. 273

Senate Bill No. 923

The motion prevailed.

Senators Geake and Cisky entered the Senate Chamber.

Senator Cherry moved that consideration of following bill be postponed temporarily:

Senate Bill No. 21

The motion prevailed.

Senate Bill No. 116, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1995 PA 255, and by adding section 22g.

Substitute (H-1).

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

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

Roll Call No. 512**Yeas—36**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | DeGrow | Koivisto | Schwarz |
| Berryman | Dingell | McManus | Shugars |
| Bouchard | Dunaskiss | Miller | Smith, A. |
| Bullard | Emmons | North | Smith, V. |
| Byrum | Gast | O'Brien | Steil |
| Cherry | Geake | Peters | Stille |
| Cisky | Gougeon | Posthumus | Van Regenmorter |
| Conroy | Hart | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |

Nays—0**Excused—1**

Hoffman

Not Voting—0

In The Chair: President

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

The Senate agreed to the full title.

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

Senator Hoffman entered the Senate Chamber.

Senate Bill No. 443, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding sections 200h, 200i, 200j, 200k, and 212a.

Substitute (H-2).

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

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

Roll Call No. 513**Yeas—36**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | DeGrow | Jaye | Schwarz |
| Berryman | Dingell | Koivisto | Shugars |
| Bouchard | Dunaskiss | McManus | Smith, A. |
| Bullard | Emmons | Miller | Smith, V. |
| Byrum | Gast | North | Steil |
| Cherry | Geake | Peters | Stille |
| Cisky | Gougeon | Posthumus | Van Regenmorter |
| Conroy | Hart | Rogers | Vaughn |
| DeBeaussaert | Hoffman | Schuette | Young |

Nays—0

Excused—0

Not Voting—1

O'Brien

In The Chair: President

Senator V. Smith moved that Senator O'Brien be temporarily excused from the balance of today's session. The motion prevailed.

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

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

Senator O'Brien entered the Senate Chamber.

Senate Bill No. 997, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

Substitute (H-2).

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

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

Roll Call No. 514

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

Senate Bill No. 21, entitled

A bill to define certain crimes against pregnant women; to define and allow certain practices; and to prescribe certain penalties.

Substitute (H-1).

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

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

Roll Call No. 515

Yeas—36

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | DeGrow | Jaye | Schuette |
| Berryman | Dingell | Koivisto | Schwarz |
| Bouchard | Dunaskiss | McManus | Shugars |
| Bullard | Emmons | Miller | Smith, V. |
| Byrum | Gast | North | Steil |
| Cherry | Geake | O'Brien | Stille |
| Cisky | Gougeon | Peters | Van Regenmorter |
| Conroy | Hart | Posthumus | Vaughn |
| DeBeaussaert | Hoffman | Rogers | Young |

Nays—1

Smith, A.

Excused—0

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Protest

Senator A. Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 21.

Senator A. Smith's statement is as follows:

I voted "no" on Senate Bill No. 21, although I do appreciate the very hard work and the compromising that the Senator from the 22nd District did in working with this legislation. I think Senator Van Regenmorter certainly worked with

everybody with a great deal of integrity. I think the House made some improvements in this bill, and it was really a toss-up on whether or not I was going to support or oppose. I do have some concerns that this is a weakening, even as careful as you and the House have been, and it opens the door to opportunity for abuse.

For those reasons, I voted "no." But, again, I think Senator Van Regenmorter and our colleagues in the House did a very good job on trying to work through compromises on this bill, and I appreciate it.

The following message was received and read:

June 9, 1998

Ms. Carol Morey Viventi
Secretary of the Senate
Capitol Building
Lansing, MI 48909

Dear Ms. Viventi:

Pursuant to Joint Rule 12, this is to notify the Senate that, upon enrollment, an error has been found in House Bill No. 5304 on page 2, line 3. Therefore, the following amendment has been adopted, by record roll call vote of the House of Representatives:

1. Amend page 2, line 3, by striking out "1487-95" and inserting "F1487-97".

Very respectfully,
Mary Kay Scullion, Clerk
House of Representatives

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

Roll Call No. 516

Yeas—34

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dunaskiss | Miller | Shugars |
| Bouchard | Emmons | North | Smith, A. |
| Bullard | Gast | O'Brien | Smith, V. |
| Byrum | Geake | Peters | Steil |
| Cherry | Gougeon | Posthumus | Stille |
| Cisky | Hart | Rogers | Van Regenmorter |
| Conroy | Hoffman | Schuette | Vaughn |
| DeBeaussaert | Koivisto | Schwarz | Young |
| DeGrow | McManus | | |

Nays—1

Dingell

Excused—0

Not Voting—2

Berryman

Jaye

In The Chair: President

Protest

Senator Dingell, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the corrective House amendment to House Bill No. 5304.

Senator Dingell's statement is as follows:

I realize there are some technical problems today, but we were just forced to vote on a non-calendar item which I did not find anywhere on my desk. I did not have an analysis of it and could not secure from my colleagues an explanation of what the bill did in depth in order to make an intelligent vote within the period allowed. Under these circumstances, I was forced to vote "no." I will do that under every circumstance of this sort.

Senator DeGrow moved to reconsider the vote by which the corrective House amendment to the following bill was concurred in:

House Bill No. 5304

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

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

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

Roll Call No. 517**Yeas—36**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchar | Emmons | Miller | Smith, A. |
| Byrum | Gast | North | Smith, V. |
| Cherry | Geake | O'Brien | Steil |
| Cisky | Gougeon | Peters | Stille |
| Conroy | Hart | Posthumus | Van Regenmorter |
| DeBeaussaert | Hoffman | Rogers | Vaughn |
| DeGrow | Jaye | Schuette | Young |

Nays—0**Excused—0****Not Voting—1**

Bullard

In The Chair: President

House Bill No. 5593, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Schroer, Hale and McBryde as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 907, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

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

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

Roll Call No. 518**Yeas—12**

Berryman
Byrum
Cherry

Conroy
DeBeaussaert
Dingell

Hart
Koivisto
Miller

Peters
Smith, A.
Young

Nays—25

Bennett
Bouchard
Bullard
Cisky
DeGrow
Dunaskiss
Emmons

Gast
Geake
Gougeon
Hoffman
Jaye
McManus

North
O'Brien
Posthumus
Rogers
Schuette
Schwarz

Shugars
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn

Excused—0**Not Voting—0**

In The Chair: President

Senator Vaughn moved that rule 3.505 be suspended to allow him to vote “nay” on concurring in the House substitute to the following bill:

Senate Bill No. 907

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

Third Reading of Bills

Senator DeGrow moved that consideration of the following bills and joint resolution be postponed for today:

Senate Bill No. 256**Senate Joint Resolution A****House Bill No. 4875****House Bill No. 4884****House Bill No. 4886****House Bill No. 5006****House Bill No. 5185**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1057, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43534 (MCL 324.43534), as added by 1995 PA 57.

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

Roll Call No. 519**Yeas—36**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | DeGrow | Jaye | Schuette |
| Berryman | Dingell | Koivisto | Schwarz |
| Bouchard | Dunaskiss | McManus | Shugars |
| Bullard | Emmons | Miller | Smith, V. |
| Byrum | Gast | North | Steil |
| Cherry | Geake | O'Brien | Stille |
| Cisky | Gougeon | Peters | Van Regenmorter |
| Conroy | Hart | Posthumus | Vaughn |
| DeBeaussaert | Hoffman | Rogers | Young |

Nays—0**Excused—0****Not Voting—1**

Smith, A.

In the Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1148, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 1996 PA 167.

The question being on the passage of the bill,

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

Roll Call No. 520**Yeas—37**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0**Excused—0**

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5387, entitled

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

The question being on the passage of the bill,

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

Roll Call No. 521**Yeas—37**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5499, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3c.

The question being on the passage of the bill,

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

Roll Call No. 522**Yeas—37**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5500, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” (MCL 445.901 to 445.922) by adding section 3d.

The question being on the passage of the bill,

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

Roll Call No. 523**Yeas—37**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

Senator V. Smith moved that the Committee on Financial Services be discharged from further consideration of the following bill:

House Bill No. 5723, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2111f.

On which motion Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 524

Yeas—18

| | | | |
|----------|--------------|---------|-----------|
| Bennett | DeBeaussaert | Miller | Smith, A. |
| Berryman | Dingell | North | Smith, V. |
| Byrum | Gougeon | O’Brien | Vaughn |
| Cherry | Hart | Peters | Young |
| Conroy | Koivisto | | |

Nays—18

| | | | |
|-----------|---------|-----------|-----------------|
| Bouchard | Emmons | Posthumus | Shugars |
| Bullard | Gast | Rogers | Steil |
| Cisky | Geake | Schuette | Stille |
| DeGrow | Hoffman | Schwarz | Van Regenmorter |
| Dunaskiss | McManus | | |

Excused—0

Not Voting—1

Jaye

In The Chair: President

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

The motion prevailed.

Senator O'Brien's statement is as follows:

I think if you go to any kind of meeting in the community—I have been to a lot of meetings over the last year or so. I go to them every month in fact. Last night, interestingly enough, this was the first question: “when do we get our money.” There is no question that AAA, Citizens, and a number of the larger insurers are starting to refund, or have refunded.

The point that I would like to make is that we have some large insurers who insure a small portion of people in Detroit. Most are insured by very small companies. It's these very same small companies who you and I have read about and have heard about. It was an argument made by some of the larger companies: “well, are we going to send back cash, or are we going to give them a credit.” There was a little juggling there. There was some concern when AAA, by certain industry people, came out in front and said: “we're doing it, we've done it, it's in the mail and everybody ought to have it.” Not everybody is insured by one of the bigger agencies. There's a lot of small ones. They have yet to make that decision. Let's face it, there's a lot of bills that have been discharged from committee, that have had no consideration these past few days. This is an issue that is a pocketbook issue, quite frankly. It's of concern to the people in my district, and I think in this state as a whole. Because they all don't do business, that is why we need to do this to possibly give those smaller insurance companies, that aren't like some of the larger ones that have stepped forward. They need a little more push to get that refund out.

People are not interested, and I was told this very plainly last night, we don't want a credit. We want the cash. That's what we would like to see happen. That's why we are asking for this discharge. I think to do anything different than that, than discharge this bill from committee now, to force those whose hands are sliding more towards a credit. I think that's what you need to consider, that the people for a change are saying: “where's the money.” They're not seeing it. I don't care what you say. Everybody isn't insured by a biggie. The small ones, apparently, whomever they are, they have yet to be contacted. I was in a room last night with a bird watcher community group, with a great many people. None of them have gotten any kind of a check back. They want to know where it's at and I hope we can do this.

Protests

Senators McManus, Emmons, Bouchard, Stille and Shugars, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to discharge the Committee on Financial Services from further consideration of House Bill No. 5723.

Senators McManus and Bouchard moved that the statements they made during the discussion of the motion be printed as their reasons for voting “no.”

The motion prevailed.

Senator McManus' statement, in which Senator Emmons concurred, is as follows:

I rise to oppose the discharge for a little different reason. I don't think this legislature should be in the business of micro-managing insurance companies. We already decided to manage them by telling them they had to give the money back. Now we want to micro-manage them and tell them when. I'm opposed to the legislature being in the micro-management of the business. We've only been at this now for a couple of weeks.

The second thing is, let's let competition take place. Several insurance companies have been on the ball and got the insurance back to their members. They are going to keep those customers. That is competition. To those that haven't paid it back, I'm sure that the customer will take care of that. So, the idea that we have to discharge this bill to get something done yesterday I'm opposed to.

Senator Bouchard's first statement, in which Senators Stille and Shugars concurred, is as follows:

I rise to oppose the discharge. First of all, the previous speaker mentioned, more than once, it has not had action. I would remind the body, and the previous speaker, the bill landed in committee two days prior to the deadline for all bills to be reported out. That is not exactly a dust ridden bill that has been sitting there for a long, long time. But be that as it may, there are other issues that we have sent to the House. For example, bills to protect child abuse from occurring that have sat there for over a year. I hope they are as vehement about inaction on legislation as they are about this particular issue. But the point at hand is discharging this bill, and I would oppose it for a variety of reasons.

First of all, in many respects it is a solution in search of a problem. I have been doing my homework on this issue. Right now we have 95 % of the companies that statistically write a book of business in the state who are sending checks out. The other five percent are so tiny, we have not been able to get through the list to talk to them all. All the major companies are already online. So, again, this is a solution in search of a problem. AAA, All State, Auto Owners, Foremost, Frankenmuth, and Wolverine are either in the process of mailing, or are done mailing the checks. That is a very, I think, important point to note.

Secondly, in terms of this particular bill, I think if it ever is to get a vote and has the potential to become law, there has to be some very clear ability for the committee to take testimony on the issues contained therein. There are legal opinions that say that this bill, potentially, could violate the takings issue and could throw the whole thing into questions, and a class action suite. This is a very rash move to throw this out here and potentially stop the refunds from occurring ever, with litigation. For a variety of reasons, this is not the right thing to do. Legally or in terms of a time frame. I would oppose the discharge.

Senator Bouchard's second statement, in which Senators Stille and Shugars concurred, is as follows:

The question is not whether or not people deserve the money. I think that there is round agreement on that issue. The question is, "is this discharge timely and appropriate?" The previous speaker said it is timely and there will be no harm. Again, I beg to differ.

Some of the legal opinions we've had suggest that there is a potential that it could throw the whole thing into a class action question. If this does not occur by the time we come back, we will have the option to move the legislation, and we will hold hearings on the impact to find out exactly where we are. It is my thought that we should not pass legislation that could jeopardize the whole process to gain political points, when the process is already moving forward.

The money was just distributed June 2nd, and you already have a number of companies that are completely done with the distribution of their money. Others have pledged that they are in the process and many will go in the mail this Monday, (for example Allstate).

It takes a little homework to know where this is, and a simple discharge doesn't move the process along. It, in fact, could jeopardize it. We will have an opportunity to do this and know the ramifications of doing this when we come back with the knowledge of what has occurred and not occurred. To imply that this has gathered dust and it is overdue when they have only had the money in their hands for a week, and we have only had the bill for two days prior to the deadline is absurd. Oppose the discharge.

Senator Bouchard's third statement, in which Senators Stille and Shugars concurred, is as follows:

There are two issues that have been raised that I need to dispute. First of all, there is no committee that has been more active in moving legislation with thoughtful deliberation than this committee. The members on this committee know that, and are aware of how many pieces of good legislation have gone through it. To imply that we need to work more hours, I would happily show the hours that this committee has been meeting and the legislation it has put out, and compare it to any record that the good Senator who alleged that would like.

Secondly, regarding the bills that were talked about that were introduced and moved in a fairly short time, all the members usually have the opportunity to be informed about those issues, we bring it to their attention, ask them if they have any problems, and they are non-controversial issues. This one has upsides and downsides from different parties who clearly have talked about takings and other types of issues.

To move full-steam ahead and jeopardize the whole shooting match is irresponsible. The previous administration got involved in a takings issue that led ultimately, at the recommendation of the current Attorney General, to a huge multi-million dollar settlement on a takings issue. If you want to see another one of those come down the pike and have the opportunity to have a big pay-out in years in the future, then vote for the discharge. But if you don't want to move ahead recklessly and find yourselves on the end of another lawsuit then oppose the discharge and look at this in a thoughtful manner.

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

The motion prevailed.

Senator Cherry's statement is as follows:

The Senator from the 13th District is accurate. The bill did not arrive until just several days before the deadline that we imposed on bills being reported by committee. That deadline has never been an impenetrable wall. In fact, I have here before me 14 bills that we have agreed to be discharged today for consideration because of their importance and the timeliness factor to be considered. This bill falls into that category. It is my belief, it ought to be discharged.

I am glad that he speaks with such confidence that these checks will be coming. I have yet to receive mine. I did receive my bill. There was no mention in the bill of a check coming. Nor has there been any letter from the insurance company saying a check is coming. I guess we would be operating as trusting souls if we did not deal with this issue legislatively.

The problem is that we will be leaving here shortly. By the end of the month. Quite frankly, they can say from now until the time we leave that the check will be coming. But after we leave, if it does not come, then not only have we been led astray, but our constituents are ill-served by us leaving this issue unaddressed.

So it strikes me that it is timely to take it up. It is not unusual for us to do this. We are going to be doing it with 14 other bills today. So, it seems to me that it is of such significance and such importance to our constituents, that there

is no harm in us proceeding with this legislation. It would be my hope that all insurance companies move promptly in providing this refund, but it seems to me we can bring this legislation out on the floor and provide Michigan citizens with a reasonable date certain that they can expect to receive this check. So that in fact, while we are gone on summer recess, if in fact insurance companies don't proceed and provide the refund voluntarily, at least our constituents will have a legal recourse to pursue. Rather than just waiting for our return later in the fall. I would urge that we vote to discharge this bill.

Senator DeBeaussaert's statement is as follows:

I rise to support the motion to discharge the committee from further consideration of House Bill No. 5723. This is the bill that would provide for the catastrophic claims association refunds to be given back to the rate payers of this state quickly, directly, and uniformly. This bill passed the House of Representatives on May 21, with an overwhelming 101 to zero vote. There are 80 co-sponsors from the House of Representatives on a bipartisan basis. This bill was transmitted to this chamber on May 21, and has not seen action to this date. It was received and filed by the Secretary on May 21, and referred to the Financial Services Committee. It is my understanding that the sponsor of the bill has written to the chair of that committee asking that this bill be taken up, be considered. Similarly, the members on this side of the aisle, on that committee, have asked that the bill be considered. I had a similar kind of bill that was introduced earlier and asked that it be considered. No action has occurred in the Financial Services Committee. I think the discharge, at this point is appropriate, because it does give us the opportunity, before we depart, to take a stand on this issue one way or the other.

It has been the legislative pressure that has brought us to this point. Without legislative pressure, there would not, I believe, have been a refund in the first place. Without legislative pressure, companies would not have been moving in the direction they are. Without legislative action, the overcharge would not have occurred. This overcharge occurred through the process outlined in state law.

There are millions of reasons to discharge this bill from the committee. They are all the rate payers of the state who have paid into the fund and are deserving of this refund. So it is important that the bill be discharged so that we can debate the bill and so that we can put in place a process for direct, quick, and uniform refunds across this state.

It is important that the committee be discharged because we are quickly going to be departing. We are apparently coming close to an adjournment for the summer recess, and I think it is appropriate that before we depart we do take up this bill and act upon it in the Senate. Since there has been no action to this date on the bill, despite the requests from the sponsor and others to take it up, I think that the discharge is appropriate so we have an opportunity, before we depart to debate it on this floor in order to provide all Michigan taxpayers, all the rate payers, the uniform kind of availability to the refund those who are deserving. They need not rely on the good will or generosity of the companies. They should be able to count on state law to protect them. That is why I think the discharge is appropriate.

Senator Conroy's first statement is as follows:

I would urge a "yes" vote on discharge. It seems like it's clearly overdue. When we get bills from an insurance company about our premiums as to when the policy lapses, they're quick to cut right off if payment hasn't been made. This issue is in front of us because of the House members coming up with the idea in the first place. Later the Governor got on board and then, indeed, some insurance companies have agreed to this. Why don't we just settle it by sending those checks out. Quiet the people who are expecting it. Give them some solace that the money is theirs and will be sent to them immediately. This bill will serve as a lever to help that process. The people deserve that money. Let's send the checks.

Senator Conroy's second statement is as follows:

Maybe the committee needs to work Fridays, Saturdays, Sundays and in the evenings to get rid of the backlog on that committee. Maybe we ought to just work full-time on this to satisfy the people out there who have been told they are going to get \$180 per premium.

I think they deserve it, and lets not hide behind some kind of an alleged class action suit. Those insurance companies don't need anymore bad publicity. I think that we ought to move this bill out of committee, act on it today, and make certain that we goad them into sending those checks out.

The following bill was read a third time:

Senate Bill No. 599, entitled

A bill to amend 1986 PA 87, entitled "An act regarding warranties on new motor vehicles; to require certain repairs thereto; and to provide remedies for the failure to repair such vehicles," by amending section 1 (MCL 257.1401).

The question being on the passage of the bill,

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

Roll Call No. 525**Yeas—36**

| | | | |
|--------------|-----------|-----------|-----------|
| Bennett | DeGrow | Jaye | Schuetze |
| Berryman | Dingell | Koivisto | Schwarz |
| Bouchard | Dunaskiss | McManus | Shugars |
| Bullard | Emmons | Miller | Smith, A. |
| Byrum | Gast | North | Smith, V. |
| Cherry | Geake | O'Brien | Steil |
| Cisky | Gougeon | Peters | Stille |
| Conroy | Hart | Posthumus | Vaughn |
| DeBeaussaert | Hoffman | Rogers | Young |

Nays—0**Excused—0****Not Voting—1**

Van Regenmorter

In The Chair: President

The Senate agreed to the title of the bill.

Senator V. Smith moved that the Committee on Financial Services be discharged from further consideration of the following bill:

House Bill No. 5723, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111f.

On which motion Senator V. Smith requested the yeas and nays,

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

The question being on the motion to discharge,

Senator DeGrow moved that further consideration of the motion be postponed until Tuesday, September 15.

On which motion Senator V. Smith requested the yeas and nays,

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

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

Roll Call No. 526**Yeas—22**

| | | | |
|-----------|---------|-----------|-----------------|
| Bennett | Emmons | McManus | Schwarz |
| Bouchard | Gast | North | Shugars |
| Bullard | Geake | Posthumus | Steil |
| Cisky | Gougeon | Rogers | Stille |
| DeGrow | Hoffman | Schuetze | Van Regenmorter |
| Dunaskiss | Jaye | | |

Nays—15

| | | | |
|----------|--------------|---------|-----------|
| Berryman | DeBeaussaert | Miller | Smith, V. |
| Byrum | Dingell | O'Brien | Vaughn |

Cherry
ConroyHart
KoivistoPeters
Smith, A.

Young

Excused—0**Not Voting—0**

In The Chair: President

The following bill was read a third time:

Senate Bill No. 1096, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9f.

The question being on the passage of the bill,

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

Roll Call No. 527**Yeas—36**Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaertDeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
HoffmanKoivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
SchuetteSchwarz
Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young**Nays—1**

Jaye

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5043, entitled

A bill to amend 1970 PA 73, entitled "An act to provide for the creation of airport authorities; to provide for certain counties and cities within certain limitations of state-owned airports to create an airport authority; to provide for the membership of authorities; to provide for the powers and duties of the authorities; to provide for the transfer of employees of state airports to the employment of an authority; to provide for the transferring of state-owned lands to the authority; to provide for the retention of certain rights, powers and privileges by the state in state-owned airport

facilities; to provide for a referendum; and to repeal acts and parts of acts," by amending section 2 (MCL 259.802), as amended by 1982 PA 271.

The question being on the passage of the bill,

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

Roll Call No. 528

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5437, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 6, 9, and 11 of chapter X, sections 1, 2, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 7, 18a, 19, 20, and 21 of chapter XIV (MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.6, 70.9, 70.11, 71.1, 71.2, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.7, 74.18a, 74.19, 74.20, and 74.21), section 15 of chapter IX as amended by 1984 PA 179, sections 1 and 4 of chapter X as amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 6a, 23, 23a, 23b, 23c, 23d, 23e, 23f, 23g, 23h, 23i, and 24 to chapter XIV; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 529

Yeas—33

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| Bennett | Dingell | Jaye | Schuette |
| Berryman | Dunaskiss | Koivisto | Schwarz |

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|--------------|---------|-----------|-----------------|
| Bouchard | Emmons | McManus | Shugars |
| Bullard | Gast | Miller | Steil |
| Cherry | Geake | North | Stille |
| Cisky | Gougeon | Peters | Van Regenmorter |
| Conroy | Hart | Posthumus | Vaughn |
| DeBeaussaert | Hoffman | Rogers | Young |
| DeGrow | | | |

Nays—4

| | | | |
|-------|---------|-----------|-----------|
| Byrum | O'Brien | Smith, A. | Smith, V. |
|-------|---------|-----------|-----------|

Excused—0**Not Voting—0**

In The Chair: President

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

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

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

“An act to provide for the incorporation of villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages; to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to define the application of this act and provide for its amendment by villages subject thereto; and to validate prior amendments and certain prior actions taken and bonds issued by villages.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5438, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending the title and sections 1, 1a, and 12 of chapter I, sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II, sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8 of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chapter VI, and sections 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19, 23, 24, 25, 26, 31, 33, 34, 38, 39, 41, 56, 57, 58, 61, 63, and 64 of chapter VII (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4, 62.5, 62.6, 62.7, 62.11, 62.12, 62.13, 62.14, 62.15, 63.2, 63.7, 64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12, 64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a, 66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.3, 67.4, 67.5, 67.6, 67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23, 67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, and 67.64), the title as amended by 1983 PA 44, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, and section 8 of chapter V as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, and section 4 of chapter VI as amended by 1982 PA 346, and by adding sections 3 and 4 to chapter III and section 1a to chapter VII; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 530**Yeas—37**

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| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |

| | | | |
|--------------|---------|-----------|-----------------|
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuetz | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to provide for the incorporation of villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages; to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to define the application of this act and provide for its amendment by villages subject thereto; and to validate prior amendments and certain prior actions taken and bonds issued by villages.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4640, entitled

A bill to amend 1915 PA 312, entitled “An act to establish, protect and enforce by lien the rights of garage keepers who furnish labor or material for storing, repairing, maintaining, keeping or otherwise supplying automobiles or other vehicles,” by amending sections 1, 2, and 3 (MCL 570.301, 570.302, and 570.303), sections 1 and 2 as amended by 1990 PA 58, and by adding sections 4, 5, 6, and 7; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 531

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuetz | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 4799, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 310a (MCL 750.310a), as added by 1996 PA 539.

The question being on the passage of the bill,

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

Roll Call No. 532

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1009

Senate Bill No. 1010

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1030, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 906.

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 3, line 7, after "BASIC" by striking out "EQUIVALENCY AND".

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

The question being on the passage of the bill,

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

Roll Call No. 533

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4332, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 521 and 531 (MCL 436.1521 and 436.1531) and by adding section 522.

The question being on the passage of the bill,

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

Roll Call No. 534

Yeas—31

| | | | |
|--------------|-----------|-----------|-----------|
| Bennett | DeGrow | Koivisto | Schuette |
| Berryman | Dingell | McManus | Schwarz |
| Bullard | Dunaskiss | Miller | Smith, A. |
| Byrum | Emmons | North | Smith, V. |
| Cherry | Gast | O'Brien | Steil |
| Cisky | Geake | Peters | Vaughn |
| Conroy | Hart | Posthumus | Young |
| DeBeaussaert | Hoffman | Rogers | |

Nays—6Bouchard
GougeonJaye
Shugars

Stille

Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: President

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

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Protests

Senators Bouchard and Gougeon, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4332.

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

The motion prevailed.

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

I voted “no” on the preceding bill. There were a number of provisions that I felt warranted a “no” vote, specifically one that allowed the movement of a license anywhere within a county. I think that flies in the face of the population-based formula that has been in place, and therefore, changed basically the structure of the distribution of licenses across those areas dramatically with the small language change here.

Secondly, it has a great effect—a diminishing effect—on some of those licenses in individual areas where they, in fact, had to go purchase those licenses at a great expense. And now another license can come from another area at a vastly reduced price.

So, for those and other reasons, I voted “no.”

The following bill was read a third time:

Senate Bill No. 768, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 4701, 8401a, and 8424 (MCL 600.4701, 600.8401a, and 600.8424), section 4701 as amended by 1997 PA 156, section 8401a as added by 1984 PA 278, and section 8424 as amended by 1991 PA 192.

The question being on the passage of the bill,

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

Roll Call No. 535**Yeas—37**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 767, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43516, 73101, 73102, 73109, and 73110 (MCL 324.43516, 324.73101, 324.73102, 324.73109, and 324.73110), section 43516 as added by 1995 PA 57 and sections 73101, 73102, 73109, and 73110 as added by 1995 PA 58.

The question being on the passage of the bill,

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

Roll Call No. 536**Yeas—37**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0**Excused—0**

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 860, entitled

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,” by amending sections 27, 27a, 27b, 68, 68a, and 68b of chapter X (MCL 710.27, 710.27a, 710.27b, 710.68, 710.68a, and 710.68b), section 27 as amended and sections 27a and 27b as added by 1994 PA 208 and sections 68, 68a, and 68b as amended by 1994 PA 373.

The question being on the passage of the bill,

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

Roll Call No. 537

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O’Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Pursuant to Joint Rule 20, the act title shall be updated to read as follows:

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time

within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties.”.

The Senate agreed to the updated act title.

The following bill was read a third time:

House Bill No. 4363, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 78101 and 78110 (MCL 324.78101 and 324.78110), as added by 1995 PA 58, and by adding sections 78113, 78114, 78115, and 78116.

The question being on the passage of the bill,

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

Roll Call No. 538

Yeas—35

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | DeGrow | Jaye | Schwarz |
| Berryman | Dingell | Koivisto | Shugars |
| Bouchar | Dunaskiss | McManus | Smith, A. |
| Bullard | Emmons | North | Steil |
| Byrum | Gast | O’Brien | Stille |
| Cherry | Geake | Peters | Van Regenmorter |
| Cisky | Gougeon | Posthumus | Vaughn |
| Conroy | Hart | Rogers | Young |
| DeBeaussaert | Hoffman | Schuette | |

Nays—0

Excused—0

Not Voting—2

Miller

Smith, V.

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

Senator Berryman moved that Senator Miller be temporarily excused from the balance of today’s session.

The motion prevailed.

Senator Miller entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1054, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 13 (MCL 211.13) and by adding section 8c.

The question being on the passage of the bill,

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

Roll Call No. 539

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuetzte | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1158, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4 and 6 (MCL 205.54 and 205.56), as amended by 1993 PA 325.

The question being on the passage of the bill,

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

Roll Call No. 540

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuetzte | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4942, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 1993 PA 325.

The question being on the passage of the bill,

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

Roll Call No. 541

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5313, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4f and 6 (MCL 205.94f and 205.96), as amended by 1993 PA 326.

The question being on the passage of the bill,

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

Roll Call No. 542

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

"An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5642, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2210 (MCL 500.2210), as amended by 1994 PA 227.

The question being on the passage of the bill,

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

Roll Call No. 543

Yeas—37

| | | | |
|----------|-----------|----------|-----------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |

Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Geake
Gougeon
Hart
Hoffman
Jaye

O'Brien
Peters
Posthumus
Rogers
Schuette

Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5344, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2227.

The question being on the passage of the bill,

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

Roll Call No. 544**Yeas—37**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuette | Young |
| DeGrow | | | |

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5224, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2845 (MCL 500.2845), as amended by 1990 PA 305.

The question being on the passage of the bill,

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

Roll Call No. 545

Yeas—37

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Koivisto | Schwarz |
| Berryman | Dunaskiss | McManus | Shugars |
| Bouchard | Emmons | Miller | Smith, A. |
| Bullard | Gast | North | Smith, V. |
| Byrum | Geake | O'Brien | Steil |
| Cherry | Gougeon | Peters | Stille |
| Cisky | Hart | Posthumus | Van Regenmorter |
| Conroy | Hoffman | Rogers | Vaughn |
| DeBeaussaert | Jaye | Schuetz | Young |
| DeGrow | | | |

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

"An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of

policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5604, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding sections 1490, 1491, 1492, 1493, and 1494.

The question being on the passage of the bill,

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

Roll Call No. 546

Yeas—35

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | McManus | Shugars |
| Berryman | Dunaskiss | Miller | Smith, A. |
| Bullard | Emmons | North | Smith, V. |
| Byrum | Gast | O’Brien | Steil |
| Cherry | Geake | Peters | Stille |
| Cisky | Gougeon | Posthumus | Van Regenmorter |
| Conroy | Hart | Rogers | Vaughn |
| DeBeaussaert | Hoffman | Schuette | Young |
| DeGrow | Koivisto | Schwarz | |

Nays—2

| | |
|----------|------|
| Bouchard | Jaye |
|----------|------|

Excused—0

Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1136, entitled

A bill to amend 1989 PA 292, entitled "Metropolitan council act," by amending sections 3, 5, 7, 9, 11, 19, 21, and 33 (MCL 124.653, 124.655, 124.657, 124.659, 124.661, 124.669, 124.671, and 124.683).

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 6, line 22, after "area" by inserting "AND ALL REAL PROPERTY CLASSIFIED UNDER SECTION 34C OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.34C, AS COMMERCIAL REAL PROPERTY OR INDUSTRIAL REAL PROPERTY AND ALL PERSONAL PROPERTY CLASSIFIED AS COMMERCIAL PERSONAL PROPERTY OR INDUSTRIAL PERSONAL PROPERTY, OTHERWISE EXEMPT FROM THE COLLECTION OF TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157, WITHIN THE COUNCIL AREA".

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

Senator Jaye offered the following amendments:

1. Amend page 4, line 17, after "(1)" by inserting "SUBJECT TO SUBSECTION (6),".
2. Amend page 5, following line 25, by inserting:

"(6) A LOCAL GOVERNMENTAL UNIT, QUALIFIED COUNTY, OR QUALIFIED CITY THAT IMPOSES A RESIDENCY REQUIREMENT ON ITS EMPLOYEES SHALL NOT PARTICIPATE IN A METROPOLITAN COUNCIL. AS USED IN THIS SUBSECTION, "RESIDENCY REQUIREMENT" MEANS A MANDATE THAT AN INDIVIDUAL RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES OF A LOCAL UNIT OF GOVERNMENT, QUALIFIED COUNTY, OR QUALIFIED CITY AS A CONDITION OF EMPLOYMENT OR PROMOTION BY THAT LOCAL UNIT OF GOVERNMENT, QUALIFIED COUNTY, OR QUALIFIED CITY.".

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

Senator Jaye offered the following amendment:

1. Amend page 3, line 12, after "THAN" by striking out "780,000" and inserting "1,100,000".

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

The question being on the passage of the bill,

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

Roll Call No. 547

Yeas—27

| | | | |
|----------|---------|-----------|-----------------|
| Berryman | DeGrow | Hoffman | Schuette |
| Bouchard | Dingell | Koivisto | Schwarz |
| Bullard | Emmons | McManus | Smith, V. |
| Byrum | Gast | North | Van Regenmorter |
| Cherry | Geake | O'Brien | Vaughn |
| Cisky | Gougeon | Peters | Young |
| Conroy | Hart | Posthumus | |

Nays—9

| | | | |
|--------------|--------|---------|--------|
| Bennett | Jaye | Rogers | Steil |
| DeBeaussaert | Miller | Shugars | Stille |
| Dunaskiss | | | |

Excused—0

Not Voting—1

Smith, A.

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1136 and moved that the statement he made during the discussion of the amendments he offered be printed as his reasons for voting “no.”

The motion prevailed.

Senator Jaye’s first statement is as follows:

The bill as before us would only single out three counties out of 83 for this property tax increase—Macomb, Oakland and Wayne County. In Macomb County, we have been shortchanged on the amount of revenue we have gotten back on a variety of programs, including the current appropriations for cultural programs and events. I have had some experience with the arts. I’ve participated both in concerts and in symphony bands, as well as the marching band. I’ve been to Interlochen for two summers. There are a number of people and organizations in Macomb County, including my Polish Century Club, who voluntarily contribute to the arts. However, it is extraordinarily elitist to say that we are going to force the working men and women to raise taxes to pay for some music or the arts that they may or may not enjoy, or may or may not choose to participate with. The most popular musician in Macomb County is Big Daddy Lakowski. It’s a Polka band. Classical music is listened to by less than three percent of the people, but the lion’s share of this money goes to classical music, or it goes to a certain ethnic group, or it goes to a certain museum.

It is unfair, it is un-American, and it is culturally elitist to say that you don’t know enough to spend your own money voluntarily to support, either individually or through cultural institutions, the arts. People can purchase art on their own. They can donate money on their own. They can participate in scholarships. They can take electives. They can ban together. But to force people who own property to make home ownership more expensive without their consent is wrong.

This amendment would drop Macomb County out of this three-county package. If Oakland and Wayne County want to impose a tax upon themselves, let them do it. I had a bill to require Sunday hunting for Macomb and six other counties that didn’t allow people to hunt on Sunday, even if it was their only day to hunt or even if they didn’t have to be members of an organized religion that recognized Sunday. I’m asking now for you to extend to me the same courtesy I extended to you. Those members from Washtenaw County, from central Michigan, and from St. Clair County who said, “We don’t want to force Sunday hunting in our communities,” would you please drop out those bills—drop out those communities. I supported that, and we dropped out all the communities except for Macomb County for Sunday hunting. They want Sunday hunting in Macomb County. They don’t want a property tax increase in Macomb County.

So, I’m hoping that you will support this amendment to take Macomb County out of the mix. If Oakland County and Wayne County want to increase property taxes on their citizens, fine. But we don’t want to be part and parcel to this kind of taxation when taxes are already too high.

Senator Jaye’s second statement is as follows:

There is a precedent for the danger this will cause to some of your communities. We had a bus tax proposal in Macomb County—Macomb, Oakland and western Wayne County. The way the proposals were written was if the entire county voted “yes,” all the communities in Macomb County had to pay the tax. My constituents voted “no.” My section and as a State Representative in Macomb County said no they didn’t want to pay an extra property tax for the Southeast Michigan Transportation Authority because we already had a local-imposed property tax for transportation of Washington, Romeo and Bruce Township, because Shelby Township had already agreed to allocate some of their revenue sharing and some of their property taxes to senior transportation.

The way this bill operates is if the entire county votes “yes,” but major cities and villages voted “no,” they’re going to have this tax imposed upon them. Taxation without representation in a minority situation like this where a countywide vote can impose their values on folks is unfair and it’s not democratic. People do not want higher property taxes, or I or Senator DeBeausaert or Senator Miller would have introduced some legislation asking for this. The county commissioners would have sent us a resolution asking for us to give them the legislative authority. It isn’t there.

We’re going to have a lobby campaign funded by corporations and subsidized by tax breaks to impose a tax increase, and it could lose in certain sections of the county. But even if it passes by one vote, the entire county has to pay for it. We do not allow countywide votes to be imposed on individual school districts. We don’t allow countywide votes to be imposed on most other operations, and I don’t believe that this kind of language should allow a tyranny of the majority when distinctly political differences in institutions and areas might say “no.”

So, I’m hoping that you will leave us alone. Leave Macomb County alone. We’re not asking for the tax increase. We don’t want the tax increase. Please vote for this amendment. If Oakland and Wayne County want it so bad, let them have it. But don’t force us in a shotgun marriage on a property tax increase that we didn’t ask for and don’t want.

Senators Peters, Berryman and V. Smith moved that they be named co-sponsors of the following bill:

Senate Bill No. 1136

The motion prevailed.

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

Roll Call No. 549**Yeas—35**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | DeGrow | Koivisto | Shugars |
| Berryman | Dunaskiss | McManus | Smith, A. |
| Bouchard | Emmons | Miller | Smith, V. |
| Bullard | Gast | North | Steil |
| Byrum | Geake | O'Brien | Stille |
| Cherry | Gougeon | Posthumus | Van Regenmorter |
| Cisky | Hart | Rogers | Vaughn |
| Conroy | Hoffman | Schuette | Young |
| DeBeaussaert | Jaye | Schwarz | |

Nays—1

Dingell

Excused—1

Peters

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4524, entitled

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” (MCL 600.101 to 600.9948) by adding section 2922a.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

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

“(3) THE WRONGFUL ACTS COVERED BY THIS SECTION INCLUDE BUT ARE NOT LIMITED TO VIOLATIONS OF SECTION 7401 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401, INVOLVING DELIVERY OF A CONTROLLED SUBSTANCE TO A PREGNANT INDIVIDUAL, IF THE PERSON IS CONVICTED OF THE VIOLATION.” and renumbering the remaining subsections.

The amendment was not adopted, a majority of the members serving not voting therefor.
 The question being on the passage of the bill,
 The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 550**Yeas—31**

| | | | |
|----------|--------------|-----------|-----------------|
| Bennett | DeBeaussaert | Hart | Schuette |
| Berryman | DeGrow | Hoffman | Schwarz |
| Bouchard | Dingell | Jaye | Shugars |
| Bullard | Dunaskiss | Koivisto | Steil |
| Byrum | Emmons | McManus | Stille |
| Cherry | Gast | Miller | Van Regenmorter |
| Cisky | Geake | North | Young |
| Conroy | Gougeon | Posthumus | |

Nays—4

| | | | |
|---------|-----------|-----------|--------|
| O'Brien | Smith, A. | Smith, V. | Vaughn |
|---------|-----------|-----------|--------|

Excused—1

Peters

Not Voting—1

Rogers

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1181, entitled

A bill to amend 1971 PA 140, entitled “State revenue sharing act of 1971,” by amending sections 11 and 13 (MCL 141.911 and 141.913), section 11 as amended by 1996 PA 468 and section 13 as amended by 1996 PA 342; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator V. Smith offered the following amendments:

1. Amend page 10, line 25, after “BY” by striking out “45%” and inserting “33.3%”.

2. Amend page 12, line 27, after "BY" by striking out "45%" and inserting "33.3%".
3. Amend page 14, line 8, after "BY" by striking out "10%" and inserting "33.4%".
4. Amend page 14, line 14, after "BY" by striking out "10%" and inserting "33.4%".
5. Amend page 14, line 15, after "ADDING" by striking out "10%" and inserting "33.4%".

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 551

Yeas—11

| | | | |
|----------|---------|-----------|--------|
| Berryman | Conroy | O'Brien | Vaughn |
| Byrum | Dingell | Smith, A. | Young |
| Cherry | Hart | Smith, V. | |

Nays—25

| | | | |
|--------------|---------|-----------|-----------------|
| Bennett | Emmons | Koivisto | Schuette |
| Bouchard | Gast | McManus | Schwarz |
| Bullard | Geake | Miller | Shugars |
| Cisky | Gougeon | North | Steil |
| DeBeaussaert | Hoffman | Posthumus | Stille |
| DeGrow | Jaye | Rogers | Van Regenmorter |
| Dunaskiss | | | |

Excused—1

Peters

Not Voting—0

In The Chair: President

Senator V. Smith offered the following amendment:

1. Amend page 12, line 14, after "IS" by striking out "4.5" and inserting "20.1".

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

Senator Emmons offered the following amendments:

1. Amend page 7, line 25, after "made" by striking out the balance of the subsection and inserting a period and "DISTRIBUTIONS AND PAYMENTS UNDER THIS SUBSECTION ARE SUBJECT TO SUBSECTION (12).".
2. Amend page 10, line 21, after "BY" by striking out the balance of the line through "FROM" on line 22 and inserting "MULTIPLYING".
3. Amend page 10, line 25, after "MADE" by striking out "AND MULTIPLY THAT RESULT".
4. Amend page 12, line 23, after "BY" by striking out the balance of the line through "TO" on line 24 and inserting "MULTIPLYING".
5. Amend page 12, line 27, after "MADE" by striking out the comma and "MULTIPLYING THAT AMOUNT".
6. Amend page 13, line 13, after "MADE" by striking out the balance of the line and inserting a period.

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

The question being on the passage of the bill,

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

Roll Call No. 552**Yeas—30**

| | | | |
|----------|--------------|-----------|-----------------|
| Bennett | DeBeaussaert | Jaye | Schuette |
| Berryman | DeGrow | Koivisto | Schwarz |
| Bouchard | Dunaskiss | McManus | Shugars |
| Bullard | Emmons | Miller | Smith, A. |
| Byrum | Gast | North | Steil |
| Cherry | Geake | Posthumus | Stille |
| Cisky | Gougeon | Rogers | Van Regenmorter |
| Conroy | Hoffman | | |

Nays—6

| | | | |
|---------|-----------|--------|-------|
| Dingell | O'Brien | Vaughn | Young |
| Hart | Smith, V. | | |

Excused—1

Peters

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Motions and Communications

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

House Bill No. 5580, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

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

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

House Bill No. 5851, entitled

A bill to designate highway M-6 in Kent and Ottawa counties as the Paul B. Henry freeway; and to prescribe the duties of the state transportation department.

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

Senator DeGrow moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 5580

Senate Bill No. 5851

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

General Orders

Senator DeGrow 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 Binsfeld, designated Senator Young as Chairperson.

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

Senate Bill No. 1163, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 84.

Senate Bill No. 1164, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 3b.

Senate Bill No. 1165, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 403.

Senate Bill No. 1166, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 2b.

House Bill No. 5114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30306, 30307, and 30317 (MCL 324.30306, 324.30307, and 324.30317), section 30306 as added by 1995 PA 59, section 30307 as amended by 1995 PA 103, and section 30317 as amended by 1996 PA 530.

House Bill No. 4535, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 601 (MCL 339.601), as amended by 1994 PA 400.

House Bill No. 5487, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2001 (MCL 339.2001), as amended by 1997 PA 122.

Senate Bill No. 1173, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 7a (MCL 285.67a), as amended by 1992 PA 238.

House Bill No. 5580, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

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

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

Senate Bill No. 649, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding chapter 10a. Substitute (S-3).

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

1. Amend page 3, line 11, by striking out all of subsection (2) and inserting:

"(2) OTHER THAN THE DEFINITION SECTIONS OF CHAPTER 1, THE OTHER CHAPTERS OF THIS CODE DO NOT APPLY TO THIS CHAPTER AND THIS CHAPTER DOES NOT APPLY TO THE OTHER CHAPTERS OF THIS CODE."

2. Amend page 3, line 17, after "THEN" by striking out "WITHIN" and inserting "NOT LATER THAN".

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

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

House Bill No. 4328, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending sections 3 and 10 (MCL 474.53 and 474.60), section 3 as amended by 1984 PA 210 and section 10 as amended by 1993 PA 28.

Substitute (S-5).

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

1. Amend page 4, line 11, after "ON" by striking out "THIS SEGMENT" and inserting "THE SEGMENT PURCHASED FROM THE STATE".

2. Amend page 4, line 25, after "MENT" by inserting "IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT".

3. Amend page 4, line 25, after "CONDITIONS" by striking out the balance of the line through "SEGMENT" on line 26.

4. Amend page 5, line 8, after "PURCHASER" by inserting "OR LESSEE".

5. Amend page 6, line 15, after "SEGMENT" by inserting "LEASED FROM THE STATE".

6. Amend page 6, line 18, after "OF" by striking out "SALE" and inserting "THE LEASE".

7. Amend page 11, line 1, after "OF" by striking out "LEASING" and inserting "SELLING".

8. Amend page 13, line 26, after the first "THE" by inserting "DEPUTY".

9. Amend page 15, line 22, after "VALUE" by striking out "OFFERED" and inserting "AS DETERMINED BY THE DEPARTMENT".

10. Amend page 16, line 23, after "REJECT" by striking out the balance of the line through "PROPOSALS" on line 24 and inserting "THAT PROPOSAL".

11. Amend page 17, line 9, after "CHECKS" by inserting "PLUS INTEREST EARNED".

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

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

House Bill No. 5346, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending section 5 (MCL 446.205).

Substitute (S-1).

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

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

House Bill No. 5399, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501, 61524, and 61525 (MCL 324.61501, 324.61524, and 324.61525), as added by 1995 PA 57, and by adding sections 61506a, 61525a, and 61525b.

Substitute (S-2).

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

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

House Bill No. 4910, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 52 (MCL 208.52).

Substitute (S-4).

The following is the amendment to the substitute recommended by the Committee of the Whole:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5580 of the 89th Legislature is enacted into law.”.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 2:34 p.m.

3:20 p.m.

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

Senator DeGrow moved that the Committee on Families, Mental Health and Human Services be discharged from further consideration of the following bills:

Senate Bill No. 1183, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 55, 115b, 116, 117a, and 117c (MCL 400.55, 400.115b, 400.116, 400.117a, and 400.117c), section 55 as amended by 1987 PA 266, sections 115b and 117a as amended by 1988 PA 75, and section 117c as amended by 1988 PA 223, and by adding sections 115o and 117g.

Senate Bill No. 1184, entitled

A bill to amend 1974 PA 150, entitled “Youth rehabilitation services act,” by amending the title and sections 2, 3, 4, 5, 6, 6a, 7, 7a, and 8 (MCL 803.302, 803.303, 803.304, 803.305, 803.306, 803.306a, 803.307, 803.307a, and 803.308), the title as amended and section 7a as added by 1996 PA 512, sections 2, 5, and 7 as amended by 1996 PA 417, section 4 as amended by 1988 PA 76, and section 6a as added by 1996 PA 481, and by adding section 2a.

Senate Bill No. 1185, entitled

A bill to allow counties to authorize acceptance of certain juveniles committed to their care and responsibility; to prescribe the procedure and effect of that authorization; and to prescribe powers, duties, and obligations of those counties.

Senate Bill No. 1186, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 5 (MCL 722.115), as amended by 1998 PA 34, and by adding section 5b.

Senate Bill No. 1187, entitled

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending sections 1, 2, 2d, 8, 16, 18, 18a, 18k, 25, and 28 of chapter XIIA (MCL 712A.1, 712A.2,

712A.2d, 712A.8, 712A.16, 712A.18, 712A.18a, 712A.18k, 712A.25, and 712A.28), sections 1, 2, 8, 16, and 28 as amended by 1996 PA 409, section 2d as added by 1996 PA 244, section 18 as amended by 1997 PA 163, and section 18k as added by 1996 PA 507, and by adding section 2e to chapter XIII.

Senate Bill No. 1188, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter I, section 1f of chapter IV, section 14 of chapter VI, sections 1, 1b, and 28 of chapter IX, and sections 1, 2, 2a, 3, 3a, 3c, 4, 5, 7, and 14a of chapter XI, (MCL 761.1, 764.1f, 766.14, 769.1, 769.1b, 769.28, 771.1, 771.2, 771.2a, 771.3, 771.3a, 771.3c, 771.4, 771.5, 771.7, and 771.14a), section 1 of chapter I and section 14 of chapter VI as amended by 1996 PA 418, section 1f of chapter IV as amended by 1996 PA 255, section 1 of chapter IX as amended by 1996 PA 248, section 1b of chapter IX and section 7 of chapter XI as amended by 1996 PA 247, section 28 of chapter IX and sections 3a, 4, and 5 of chapter XI as amended and section 14a of chapter XI as added by 1988 PA 78, sections 1 and 3c of chapter XI as amended by 1993 PA 185, section 2 of chapter XI as amended by 1994 PA 286, section 2a of chapter XI as added by 1992 PA 251, and section 3 of chapter XI as amended by 1994 PA 445.

Senate Bill No. 1189, entitled

A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending the title and sections 2, 3, 4, 5, 5a, and 6 (MCL 803.222, 803.223, 803.224, 803.225, 803.225a, and 803.226), sections 2 and 4 as amended by 1996 PA 416 and section 5a as added by 1996 PA 511.

Senate Bill No. 1190, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending the title and section 3 (MCL 28.173), as amended by 1996 PA 508.

Senate Bill No. 1191, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 2, 6, 13a, 20a, 31, 36, 41a, and 48 (MCL 780.752, 780.756, 780.763a, 780.770a, 780.781, 780.786, 780.791a, and 780.798), sections 2, 6, and 36 as amended and sections 13a, 20a, and 41a as added by 1993 PA 341, section 31 as amended by 1996 PA 82, and section 48 as amended by 1996 PA 105.

Senate Bill No. 1192, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498c and 498d (MCL 330.1498c and 330.1498d), as amended by 1995 PA 290.

Senate Bill No. 1193, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 7 (MCL 400.207), as amended by 1980 PA 306.

Senate Bill No. 1194, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 186a (MCL 750.186a), as added by 1996 PA 256.

Senate Bill No. 1195, entitled

A bill to amend 1996 PA 263, entitled "Juvenile boot camp act," by amending sections 2, 3, 4, 5, 6, and 7 (MCL 400.1302, 400.1303, 400.1304, 400.1305, 400.1306, and 400.1307).

Senate Bill No. 1196, entitled

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending sections 2, 3, 4, 6, 7, and 8 (MCL 141.932, 141.933, 141.934, 141.936, 141.937, and 141.938), sections 2 and 3 as amended by 1987 PA 282, sections 4, 7, and 8 as amended by 1986 PA 6, and section 6 as amended by 1988 PA 198.

Senate Bill No. 1197, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending sections 3 and 5 (MCL 141.473 and 141.475).

On which motion Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 553**Yeas—22**

| | | | |
|-----------|---------|-----------|-----------------|
| Bennett | Emmons | McManus | Schwarz |
| Bouchard | Gast | North | Shugars |
| Bullard | Geake | Posthumus | Steil |
| Cisky | Gougeon | Rogers | Stille |
| DeGrow | Hoffman | Schuette | Van Regenmorter |
| Dunaskiss | Jaye | | |

Nays—13

| | | | |
|----------|--------------|-----------|-----------|
| Berryman | DeBeaussaert | Miller | Smith, V. |
| Byrum | Dingell | O'Brien | Vaughn |
| Cherry | Hart | Smith, A. | Young |
| Conroy | | | |

Excused—1

Peters

Not Voting—1

Koivisto

In The Chair: President

The bills were placed on the order of General Orders.

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

House Bill No. 4044, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2964 and 2965.

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

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 3:25 p.m.

3:28 p.m.

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

Senator DeGrow moved that the Committee on Economic Development, International Trade and Regulatory Affairs be discharged from further consideration of the following bill:

House Bill No. 5627, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61506a.

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

Senator DeGrow moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1183

Senate Bill No. 1184

Senate Bill No. 1185

Senate Bill No. 1186

Senate Bill No. 1187

Senate Bill No. 1188

Senate Bill No. 1189

Senate Bill No. 1190

Senate Bill No. 1191

Senate Bill No. 1192

Senate Bill No. 1193

Senate Bill No. 1194

Senate Bill No. 1195

Senate Bill No. 1196

Senate Bill No. 1197

House Bill No. 4044

House Bill No. 5627

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

Recess

Senator DeGrow moved that the Committee of the Whole recess subject to the call of the Chairperson.

The motion prevailed, the time being 3:30 p.m.

3:35 p.m.

The Committee of the Whole was called to order by the Chairperson, Senator Young.

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

Senate Bill No. 1188, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter I, section 1f of chapter IV, section 14 of chapter VI, sections 1, 1b, and 28 of chapter IX, and sections 1, 2, 2a, 3, 3a, 3c, 4, 5, 7, and 14a of chapter XI, (MCL 761.1, 764.1f, 766.14, 769.1, 769.1b, 769.28, 771.1, 771.2, 771.2a, 771.3, 771.3a, 771.3c, 771.4, 771.5, 771.7, and 771.14a), section 1 of chapter I and section 14 of chapter VI as amended by 1996 PA 418, section 1f of chapter IV as amended by 1996 PA 255, section 1 of chapter IX as amended by 1996 PA 248, section 1b of chapter IX and section 7 of chapter XI as amended by 1996 PA 247, section 28 of chapter IX and sections 3a, 4, and 5 of chapter XI as amended and section 14a of chapter XI as added by 1988 PA 78, sections 1 and 3c of chapter XI as amended by 1993 PA 185, section 2 of chapter XI as amended by 1994 PA 286, section 2a of chapter XI as added by 1992 PA 251, and section 3 of chapter XI as amended by 1994 PA 445.

Senate Bill No. 1189, entitled

A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending the title and sections 2, 3, 4, 5, 5a, and 6 (MCL 803.222, 803.223, 803.224, 803.225, 803.225a, and 803.226), sections 2 and 4 as amended by 1996 PA 416 and section 5a as added by 1996 PA 511.

Senate Bill No. 1190, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending the title and section 3 (MCL 28.173), as amended by 1996 PA 508.

Senate Bill No. 1191, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 2, 6, 13a, 20a, 31, 36, 41a, and 48 (MCL 780.752, 780.756, 780.763a, 780.770a, 780.781, 780.786, 780.791a, and 780.798), sections 2, 6, and 36 as amended and sections 13a, 20a, and 41a as added by 1993 PA 341, section 31 as amended by 1996 PA 82, and section 48 as amended by 1996 PA 105.

Senate Bill No. 1193, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 7 (MCL 400.207), as amended by 1980 PA 306.

Senate Bill No. 1194, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 186a (MCL 750.186a), as added by 1996 PA 256.

Senate Bill No. 1195, entitled

A bill to amend 1996 PA 263, entitled "Juvenile boot camp act," by amending sections 2, 3, 4, 5, 6, and 7 (MCL 400.1302, 400.1303, 400.1304, 400.1305, 400.1306, and 400.1307).

Senate Bill No. 1197, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending sections 3 and 5 (MCL 141.473 and 141.475).

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

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

House Bill No. 4404, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2965, 2966, and 2967.

Substitute (S-5).

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

1. Amend page 2, line 2, after "PROFESSION," by inserting "THIS SECTION SHALL NOT BE CONSTRUED TO AFFECT AN INDIVIDUAL'S RIGHTS TO BENEFITS PROVIDED UNDER THE WORKER'S DISABILITY COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941."

2. Amend page 3, line 23, after "IN" by inserting "PROVIDING ROADSIDE EMERGENCY MEDICAL SERVICES,".

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

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

Senate Bill No. 1183, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 55, 115b, 116, 117a, and 117c (MCL 400.55, 400.115b, 400.116, 400.117a, and 400.117c), section 55 as amended by 1987 PA 266, sections 115b and 117a as amended by 1988 PA 75, and section 117c as amended by 1988 PA 223, and by adding sections 115o and 117g.

Substitute (S-1).

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

1. Amend page 10, line 21, after "BEFORE" by striking out "OCTOBER 1, 1997" and inserting "MARCH 1, 1998".
2. Amend page 20, line 13, after the second "OF" by inserting "STATE AND COUNTY".
3. Amend page 20, line 16, after "SERVICES" by inserting a comma and "WITHOUT REGARD TO ANY EXCLUSION OF EXPENDITURE ON THE BASIS THAT THE EXPENDITURE EXCEEDED THE AMOUNT OF A BUDGET APPROVED UNDER SECTION 117C".
4. Amend page 20, line 18, after "BY" by striking out the balance of the line and inserting "THE MULTIPLIER".
5. Amend page 20, line 23, by striking out "MULTIPLIERS" and inserting "MULTIPLIER".
6. Amend page 20, line 24, after "YEAR" by striking out the balance of the line through "(B)" on line 3 of page 21.
7. Amend page 21, line 6, after "BUREAU" by inserting "SHALL BE CALCULATED AS A MULTIPLIER".
8. Amend page 21, line 17, after "BY" by inserting "50% OF".
9. Amend page 22, line 1, after "(6)" by inserting "FIFTY PERCENT OF".

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

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

Senate Bill No. 1184, entitled

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending the title and sections 2, 3, 4, 5, 6, 6a, 7, 7a, and 8 (MCL 803.302, 803.303, 803.304, 803.305, 803.306, 803.306a, 803.307, 803.307a, and 803.308), the title as amended and section 7a as added by 1996 PA 512, sections 2, 5, and 7 as amended by 1996 PA 417, section 4 as amended by 1988 PA 76, and section 6a as added by 1996 PA 481, and by adding section 2a.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 7, line 15, after "BEFORE" by striking out the balance of the line through 1997 on line 16 and inserting "MARCH 1, 1998".

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

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

Senate Bill No. 1185, entitled

A bill to allow counties to authorize acceptance of certain juveniles committed to their care and responsibility; to prescribe the procedure and effect of that authorization; and to prescribe powers, duties, and obligations of those counties.

Substitute (S-1).

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

1. Amend page 3, following line 5, by inserting:

"(4) Becoming a county juvenile agency under this act constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or service offered beyond that required by existing law as of the effective date on which the county becomes a county juvenile agency, as the elements of that option are defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by the county of all expenses and capital improvements that may result from becoming a county juvenile agency. This subsection applies only for the period during which the county is a county juvenile agency."

2. Amend page 5, following line 23, by inserting:

"(7) Subject to subsection (6), a county that is a county juvenile agency shall not give contract preference to a provider solely because the provider is located in or doing business with that county.

(8) A county juvenile agency shall not use religion, race, color, national origin, or sex as a criterion for discriminating against or granting preferential treatment in contracting with providers."

3. Amend page 6, line 16, by striking out "October 1, 1997" and inserting "March 1, 1998".

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

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

Senate Bill No. 1186, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 1998 PA 34, and by adding section 5b.

Substitute (S-1).

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

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

Senate Bill No. 1187, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 1, 2, 2d, 8, 16, 18, 18a, 18k, 25, and 28 of chapter XIII (MCL 712A.1, 712A.2, 712A.2d, 712A.8, 712A.16, 712A.18, 712A.18a, 712A.18k, 712A.25, and 712A.28), sections 1, 2, 8, 16, and 28 as amended by 1996 PA 409, section 2d as added by 1996 PA 244, section 18 as amended by 1997 PA 163, and section 18k as added by 1996 PA 507, and by adding section 2e to chapter XIII.

Substitute (S-1).

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

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

Senate Bill No. 1192, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498c and 498d (MCL 330.1498c and 330.1498d), as amended by 1995 PA 290.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 3, line 1, after "(3)" by striking out the balance of the line through "OF" on line 2 and inserting "AS APPLICABLE, THE FAMILY INDEPENDENCE AGENCY MAY REQUEST HOSPITALIZATION OF, OR THE COUNTY JUVENILE AGENCY MAY REQUEST AN EVALUATION FOR HOSPITALIZATION OF,".

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

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

Senate Bill No. 1196, entitled

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending sections 2, 3, 4, 6, 7, and 8 (MCL 141.932, 141.933, 141.934, 141.936, 141.937, and 141.938), sections 2 and 3 as amended by 1987 PA 282, sections 4, 7, and 8 as amended by 1986 PA 6, and section 6 as amended by 1988 PA 198.

Substitute (S-1).

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

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

House Bill No. 5627, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61506a.

Substitute (S-2).

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

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

Senate Bill No. 837, entitled

A bill to prohibit the switching of a customer's telecommunications provider without the authorization of the customer; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

Substitute (S-4).

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

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

House Bill No. 5280, entitled

A bill to prohibit the switching of a customer's telecommunications provider without the authorization of the customer; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

Substitute (S-6).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 8, after "PROCEDURES" by inserting "SUBJECT TO COMMISSION APPROVAL,".

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4044

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

The following bill was read a third time:

House Bill No. 4044, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2965, 2966, and 2967.

The question being on the passage of the bill,

Senator Dingell offered the following amendments:

1. Amend page 3, line 23, after "IN" by inserting "FIRE SUPPRESSION,"

2. Amend page 3, line 23, after "PROVIDING" by striking out "ROADSIDE".

The question being on the adoption of the amendments,

Senator Berryman requested the yeas and nays.

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

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

Roll Call No. 554

Yeas—15

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Koivisto

Miller
O'Brien
Schwarz
Smith, A.

Smith, V.
Vaughn
Young

Nays—21

Bennett
Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hoffman

Jaye
McManus
North
Posthumus
Rogers

Schuette
Shugars
Steil
Stille
Van Regenmorter

Excused—1

Peters

Not Voting—0

In The Chair: President

Senator Dingell offered the following substitute:

Substitute (S-6).

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

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 555

Yeas—15

| | | | |
|----------|--------------|-----------|-----------|
| Berryman | DeBeaussaert | Miller | Smith, V. |
| Byrum | Dingell | O'Brien | Vaughn |
| Cherry | Hart | Schwarz | Young |
| Conroy | Koivisto | Smith, A. | |

Nays—21

| | | | |
|-----------|---------|-----------|-----------------|
| Bennett | Emmons | Jaye | Schuette |
| Bouchard | Gast | McManus | Shugars |
| Bullard | Geake | North | Steil |
| Cisky | Gougeon | Posthumus | Stille |
| DeGrow | Hoffman | Rogers | Van Regenmorter |
| Dunaskiss | | | |

Excused—1

Peters

Not Voting—0

In The Chair: President

Protest

Senator Bouchard, under his constitutional right of protest (Art. 4, Sec. 18), protested against the amendments and substitute offered by Senator Dingell to House Bill No. 4044.

Senator Bouchard's statement is as follows:

I voted "no" on the preceding amendment. While personally I would like to have the bill to go further, part of the process here is to reach a point where you can bring as many members as necessary in both bodies to the conclusion and then have the administration sign that into law. When I began working on this issue, going back a great number of years, I originally introduced a straight repeal. I am in the minority when you take into account those two bodies in the administration to do that. And therefore, over time, found that this was as far as we could advance the ball down field as it relates to these issues. I feel very strongly that because men and women wear a uniform, it should not preclude them from having the same rights as other people.

Having said that, I want to take as big a bite out of the apple as we can in moving their rights forward. I think at this moment in time, the bill as before us, unamended, is our best hope at achieving that goal. I will continue my efforts to advocate for the men and women who do both fire and police service, because I believe I am the only member here who has done both. And that is why I will support the bill as it is before us, unamended—and voted "no" on the amendatory language.

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

Roll Call No. 556**Yeas—35**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | DeGrow | Koivisto | Shugars |
| Berryman | Dunaskiss | McManus | Smith, A. |
| Bouchard | Emmons | Miller | Smith, V. |
| Bullard | Gast | North | Steil |
| Byrum | Geake | O'Brien | Stille |
| Cherry | Gougeon | Posthumus | Van Regenmorter |
| Cisky | Hart | Rogers | Vaughn |
| Conroy | Hoffman | Schuette | Young |
| DeBeaussaert | Jaye | Schwarz | |

Nays—1

Dingell

Excused—1

Peters

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

Protest

Senator Dingell, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4044 and moved that the statements he made during the discussion of the amendments and substitute he offered be printed as his reasons for voting “no.”

The motion prevailed.

Senator Dingell’s first statement is as follows:

This amendment isn’t quite the same because there were some modifications to the original Van Regenmorter substitute in the form of the Bouchard amendment. The original Van Regenmorter substitute to this bill changed it from one which was a simple repeal of the idiotic common law fireman’s rule, which existed in some states for a long time, but the Michigan courts were only dumb enough to adopt it fairly recently, in the 1980s. The fireman’s rule, is a rule

which essentially tells firemen and policemen that they may not sue persons that hurt them while they are working. The classic example of the kind of horrific wrong that this results in is a policeman transporting prisoners to a lockup, if the policeman is back ended by a drunk driver, the prisoner in the backseat gets to sue the drunk driver for their injuries, whereas the policeman may not. This is simply wrong. This kind of situation befalls not just policemen but firemen, too. That's why it is called the fireman's rule.

I know of cases as late as the late 1970s, where Michigan firefighters were allowed to sue persons who had been engaging in illegal conduct and were allowed to collect because of the horrific damages done to them. Well, all of that changed in the 1980s. We need to do something to fix that. One of the police unions sold out everybody else. Namely, they sold out all of the firemen in the state of Michigan in order to have just the problems that police face in this state. Now in the late 1970s, there was a fireman from the city of Taylor who lost an arm due to an illegally loaded truck tipping over while the fireman was trying to deal with certain flammability and other problems related to the illegally loaded truck. The fireman lost an arm—just torn completely off of his body. That fireman was allowed to sue under what the courts recognized as the law then in the early 1980s, they came up with this idiotic fireman's rule, which had been adopted in other states, and a fireman similarly situated today, would not be able to do that.

The Van Regenmorter substitute which was adopted on preliminary consideration of bills, takes care of all of the problems of police, but it does absolutely nothing for firemen. Firemen will be absolutely livid at this duplicity by the fraternal order of police.

This amendment will put firemen on the same footing as police. This is simple justice. This is the only thing that's fair. To not vote for this amendment—well, you'll deserve all the hell you're going to catch from firemen. With that, I recommend the amendment to my colleagues.

Senator Dingell's second statement is as follows:

Well, on the Dingell amendment a few moments ago, you heard certain objections raised by persons who don't want to treat firemen the way policemen are going to be treated. Chief amongst those objections was an objection to the possibility of premises liability. Well, this substitute treats firemen and policemen exactly the same, and it wipes out premises liability. This is a wonderful substitute. It's one that was generally agreed to by many members of the Republican Caucus. The police and fire groups both love this substitute. They came to me with this substitute. In fact, the only people who don't like it are the insurance companies. Well, that's too bad. During consideration over in the State House, they wanted to exempt drunk drivers from being sued under the firemen's rule. They wanted merely to not have to pay out in these kinds of cases. This is all an outrage. There is no good reason not to treat firemen the same as policemen.

For those of you who vote against this substitute, you deserve the barbecuing you're going to get, and don't tell me that our goal is to pass something that the Governor will sign. If this is an admission that the Governor wants to treat firemen differently than policemen, then so be it. Let's barbecue him. There's lots there to barbecue.

Senator Dingell's third statement is as follows:

I simply can't bring myself to sell out one group of friends for another. Therefore, I simply couldn't vote for House Bill No. 4044 in the twisted form it's in now. The twisted form it is now, is a result of one police group, the Fraternal Order of Police, selling out their brothers in emergency service; the firemen. Shame on them. This legislation will now go back to the House of Representatives, where all of the police organizations, except the Fraternal Order of Police will be advocating the restoration of equal treatment of firemen. I hope the Fraternal Order of Police enjoys the abuse that I've heaped on them, because it is richly deserved.

I hope that my colleagues who voted against the Dingell amendment to the Van Regenmorter enjoy the barbecuing they are going to get from firemen. I hope those who voted against the Dingell substitute which was favored by all of the police and fire groups, enjoy the barbecuing they are going to get from firemen's groups.

Senators Bouchard and Van Regenmorter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bouchard's statement is as follows:

First of all, I think the final sentence of the previous speaker shows how inattentive he is to the issue and how he's taking this in the wrong direction. But be that as it may, I think I can feel compelled to tell him and anyone else who may buy what he just said that this is not driven by insurance companies. This is driven by an honest difference of opinion by people in this body and other places that this is the right or the wrong thing to do. I don't care, Senator, what an insurance company tells me about this issue. I worked with these men and women for 12 years as an officer and before that as a firefighter. How dare you boil it down to that. When we advance a position, give us the credit for advancing a position we believe is right, too, and not driven by a special interest.

I would urge the opposition to this substitute for the same reasons that I did in my "no" vote explanation to the previous one.

Senator Van Regenmorter's statement is as follows:

Ordinarily I would not have risen to speak, but I think it is essential to on the record correct a statement or a series of statements made in opposition of the bill. There was some implication that only the Fraternal Order of Police and its representative were approving this compromise. I want to emphasize that is just simply not correct. The following police organizations, The Michigan Fraternal Order of Police, the Deputy Sheriffs Association of Michigan; and then something called the Michigan Police Legislative Coalition, which includes the Michigan State Police Troopers Association, the Police Officers Labor Council, the Detroit Police Officers Association, the Detroit Lieutenants and Sergeants Association, and the Michigan Association of Police are all, or in part, in support of House Bill No. 4044 as we have substituted it. That's something I wanted to put on the record.

Resolutions

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

Senate Concurrent Resolution No. 90

The resolution consent calendar was adopted.

Senators Stille, McManus, Gougeon, Shugars, Rogers and North offered the following concurrent resolution:

Senate Concurrent Resolution No. 90.

A concurrent resolution to urge the United States Department of Agriculture to expedite the delivery of financial assistance for crop damage in western Michigan.

Whereas, Winds in excess of 100 miles per hour and driving rains in the early morning hours of May 31 devastated several areas of Michigan. In the western portions of the state, especially in the regions with fruit growing operations, as many as 120,000 trees were destroyed or damaged, ruining the hopes of many farmers for this year and much of the next decade; and

Whereas, Steps are being taken to cope with the storm damage to agriculture. The governor has declared several counties as natural disaster areas, and federal officials are evaluating the extent of the destruction. Local units of government and power companies have worked hard to restore essential services; and

Whereas, The damage to crops, especially fruit operations, is extensive, particularly in Ottawa, Kent, and Muskegon Counties. The involvement of the federal government, through the Farm Service Agency of the United States Department of Agriculture, may be the only way to protect resources that are very significant not only to the individual farmers, but also to agriculture in the area; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Agriculture to expedite the delivery of financial assistance for crop damage in western Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Farm Service Agency of the United States Department of Agriculture.

Senator Conroy was named co-sponsor of the concurrent resolution.

Senate Concurrent Resolution No. 72.

A concurrent resolution to memorialize the Congress of the United States to take certain actions regarding the implementation of the Food Quality Protection Act of 1996.

(For text of resolution, see Senate Journal No. 19, p. 312.)

The House of Representatives has amended the concurrent resolution as follows:

1. Amend the first Whereas clause, line 1, after "(FQPA)" by inserting "as passed by Congress and".

The House of Representatives has adopted the concurrent resolution as amended and named Reps. Hale, Fitzgerald, Byl, Green, Hammerstrom, McBryde, Dalman, Voorhees, Kukuk, Crissman, DeVuyst, Rhead, Horton, LaForge, Varga, Parks, McNutt, Jelinek, Jellema, Dobronski, Oxender, Gernaat, Bodem, Schermesser, Scranton, Bankes, Llewellyn, Goschka, Cassis, Baade, Basham, Birkholz, Bobier, Brackenridge, Callahan, Dobb, Gagliardi, Galloway, Gilmer, Harder, Johnson, Kelly, Law, Lowe, McManus, Middaugh, Middleton, Murphy, Olshove, Profit, Raczkowski, Schauer, Scott, Sikkema, Vaughn and Wetters as co-sponsors of the concurrent resolution.

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

House Concurrent Resolution No. 107.

A concurrent resolution to request the Michigan Jobs Commission to give prior notification to the legislature regarding changes to the operations of Welcome Centers, especially proposed closings.

Whereas, Michigan's Welcome Centers are important elements of our state's efforts to encourage tourism. These centers are often the first point of contact for visitors and the best way for them to learn of attractions and treasures in our state; and

Whereas, Travel Michigan recently received a major report and assessment of the state's Welcome Centers. This analysis will be used to make decisions in the near future to enhance the effectiveness of these resources. The report discussed a host of issues, including privatization, corporate sponsorship, staffing level needs, the wide disparity of the visitor base among the centers, and cost-benefits of the locations. The implementation of the various recommendations will be a notable component of Michigan's efforts in tourism; and

Whereas, The thirteen Welcome Centers across our state host approximately 10 million visitors each year. This is clearly a program with significant economic influence on our state. The influence not only includes direct spending that may be traced to the centers, but also the image our state projects. With this impact, it is appropriate to request prior notification of major changes and possible closings of centers. This can serve to generate maximum support for the decisions that are made; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we request the Michigan Jobs Commission to give prior notification to the legislature regarding changes to the operations of Welcome Centers, especially proposed closings; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Jobs Commission and Travel Michigan.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Conroy and Dunaskiss were named co-sponsors of the concurrent resolution.

Senators Shugars, Geake, McManus, Rogers, Emmons, Bullard and Jaye offered the following resolution:

Senate Resolution No. 205.

A resolution to request the Senate Fiscal Agency to include on its Internet site certain information about Michigan's state universities.

Whereas, The cost of a college education represents an enormous investment. Sending a student to a university is one of the most challenging financial hurdles a family faces. For many students, loans taken out to cover costs require many years to repay at a time in life when young adults are starting careers and, often, establishing families. In spite of these difficulties, a college education is becoming more valuable with each passing year as our economy and society change; and

Whereas, Michigan's state universities work hard to keep cost increases to a minimum. The legislature has worked with our universities to develop meaningful incentives to making higher education affordable without compromising standards of excellence; and

Whereas, An important tool to use in the effort to respond to concerns over costs is information. The state has an opportunity to help parents and students make informed decisions regarding our state's universities. It is most appropriate to make important and helpful information more readily available to our citizens and to prospective students from outside Michigan; now, therefore, be it

Resolved by the Senate, That we request the Senate Fiscal Agency to include on its Internet site the following information about the state universities:

1. Teaching loads for the average faculty member.
2. Tuition and fees.
3. Room, board, and other costs, including books.
4. Average salary for tenured or tenure track faculty.
5. Detroit Consumer Price Index or the Higher Education Price Index and the annual rate of increase for each university.
6. Each university's address and main phone number.
7. A link to each university's web site.

; and be it further

Resolved, That copies of this resolution be transmitted to the Senate Fiscal Agency and to the Senate Fiscal Agency Governing Board.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

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

Senators Shugars, Geake, McManus, Rogers, Bullard, Jaye and Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 88.

A concurrent resolution to request the Senate Fiscal Agency to include on its Internet site certain information about Michigan's state universities.

Whereas, The cost of a college education represents an enormous investment. Sending a student to a university is one of the most challenging financial hurdles a family faces. For many students, loans taken out to cover costs require many years to repay at a time in life when young adults are starting careers and, often, establishing families. In spite of these difficulties, a college education is becoming more valuable with each passing year as our economy and society change; and

Whereas, Michigan's state universities work hard to keep cost increases to a minimum. The legislature has worked with our universities to develop meaningful incentives to making higher education affordable without compromising standards of excellence; and

Whereas, An important tool to use in the effort to respond to concerns over costs is information. The state has an opportunity to help parents and students make informed decisions regarding our state's universities. It is most appropriate to make important and helpful information more readily available to our citizens and to prospective students from outside Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we request the Senate Fiscal Agency to include on its Internet site the following information about the state universities:

1. Teaching loads for the average faculty member.
2. Tuition and fees.
3. Room, board, and other costs, including books.
4. Average salary for tenured or tenure track faculty.
5. Detroit Consumer Price Index or the Higher Education Price Index and the annual rate of increase for each university.
6. Each university's address and main phone number.
7. A link to each university's web site.

; and be it further

Resolved, That copies of this resolution be transmitted to the Senate Fiscal Agency and to the Senate Fiscal Agency Governing Board.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

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

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 89.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the State Prison of Southern Michigan Reorganization Project - Phase II.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site of the State Prison of Southern Michigan located in Jackson County (the "Facility") is currently owned by the State; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the State Prison of Southern Michigan Reorganization Project - Phase II shall not exceed \$36,600,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$36,600,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$3,645,000 and \$6,190,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senator Conroy was named co-sponsor of the concurrent resolution.

Introduction and Referral of Bills

House Bill No. 4816, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2150a.

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

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

House Bill No. 5648, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6023 (MCL 600.6023), as amended by 1998 PA 61.

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

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

House Bill No. 5812, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2150 (MCL 324.2150), as amended by 1996 PA 585.

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

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

Statements

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

The motion prevailed.

Senator Jaye's statement is as follows:

Today I was afforded a rare privilege, to be able to vote for the second time as a member of the Michigan Legislature on a bill, my bill, House Bill No. 4799, which would legalize certain low-wager games in bowling centers. For the last 40 years, bowling has been one of the last low-cost recreational activities for families and friends, and folks have been enjoying mystery, strike ball, red pin and card games more for the enjoyment as opposed to the casino pay off.

Two years ago, approximately 30 senior citizen women were arrested by bureaucrats from the Liquor Control Commission for placing quarter bets on a mystery games. They were booked and the \$38 pot was confiscated. My legislation in 1997 authorized and legalized the new category of gaming called low-stakes bowling games that would occur in bowling centers. That legalized up to \$5 wager and up to \$1,000 pot. However, one element of the gaming bill was not allowed and that was the card game. The way the card game works, for each spare or strike that a player throws, they get a poker card and you play the best poker hand at the end of the game. That element was taken out December 14, 1997.

I am very proud to report that my legislation, House Bill No. 4799, was passed unanimously when I was a state representative, and earlier today I was able to join my colleagues in unanimously approving and passing House Bill No. 4799, which would legalize low-wager card games played Michigan residents in bowling centers in the same manner as the mystery, strike ball, and red pin games were authorized.

What this says is that government can help. Instead of being always the source of problems, it can be part of the solution. We do recognize that recreation is important. We do recognize occasionally it is important to put a leash on the bureaucrats. We do recognize that although it is a long process, help is on the way for bowlers. I would remind the audience that there are more bowling leagues in Michigan than there are golf leagues. So to the working men and women, the senior citizens that are enjoying a little low-cost fun, I want to tell them that after the Governor signs the bill, no longer will their low-stake card games be criminalized activities.

Senator DeBeaussiaert's statement is as follows:

On an 18-18 vote today, the Senate majority refused the Democratic efforts to take up a bill to assure Michigan motorists that they quickly would receive the \$180 auto insurance refund that they're due. I think that the failure to act today was a mistake, a lost opportunity for us to take a stand for Michigan's citizens. In spite of an overwhelming bipartisan House support for this measure, our efforts today to take up the bill were met with partisan resistance.

Now House Bill No. 5723 would require that the \$180 refund be made as a cash rebate, not as a credit against an insurance policy. It would require that those payments be made to rate payers by August 1 and would require that there be interest payments of 12 percent annually on payments that are made, in fact, after July 1.

Some insurance companies have already mailed the rebate checks to their customers, and they should be congratulated for doing so.

The House-passed bill would have provided an effective insurance policy that all Michigan residents would be treated as fairly. It's unfortunate the majority today chose to hide behind artificial committee deadlines as one of the major reasons to avoid action. It seems those committee deadlines are only sacred or adhered to when it's convenient because later in the day we saw some 14 other bills discharged from committees to be acted upon, but when it comes to an issue of immediate concern to motorists across the state today, we're told there are deadlines that have to be followed.

Well, in the debate earlier today, the Senator from Detroit, Senator O'Brien, made mention of the fact that this is an issue that people across Michigan are talking about, are asking us about. He's right. People know that they were overcharged under a process that was authorized by state law, and they expect us, their representatives, to assure that we will return those dollars or see that they are returned to them, the people who were overcharged, in just as swift and sure a fashion, and that's what we were trying to do here today. It's unfortunate the majority by voting "no" or simply not voting to bring the issue before us denied us all the opportunity to take a stand on the bill, to take a stand for the Michigan residents that we represent, refusing to put in place in state law a policy to make sure that the \$180 per vehicle rebate goes back to motorists as quickly as possible was mistake. I just hope that it's a mistake that Michigan motorists won't be paying for.

Senator Young's statement is as follows:

Yesterday I had the opportunity to support the scheduler in my office who gave me a very ambitious graduation speech schedule I felt I could make, but the question, of course, which came to mind is how can I be in two places at one time? Quite frankly, until I had done the five graduations, I didn't have the answer. But I did speak and attend the Fisher Middle School graduation, the Hanstien Elementary graduation, the Macomb Elementary graduation, the Washington Careers Center graduation as well as the Starks School of Technology graduation.

Then, thinking how I would do this according to the Senate rules, I felt that I would have staff to assist me in going through the Journal, and I'd like to have the following votes recorded because if I had been here, I would have voted "yes" on the following pieces of legislation: House Bill No. 4289, Senate Bill No. 97, Senate Bill No. 553, Senate Bill No. 484, Senate Bill No. 700, Senate Bill No. 1047, House Bill No. 5561, House Bill Nos. 5138 through 5184, 5186 through 5203, and well as a "yes" vote on Senate Bill No. 1152.

And I think I did come to my answer, and that was to see the looks on the faces of these youngsters who felt it was important to have someone come from Lansing to take a part in their graduation. I said to myself, "I will take this approach, and I will do graduations time and time again if they conflict with session."

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Health Insurance Issues, Legislative Retirement Board of Trustees submits the following:
Meeting held on Wednesday, May 27, 1998, at 1:00 p.m., 6th Floor Conference Room, Romney Building
Excused: Senator Emmons

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submits the following:
Meeting held on Wednesday, June 3, 1998, at 1:15 p.m., Elijah Myers Room, Capitol Building
Present: Senators McManus and Emmons
Excused: Senators Schwarz and Conroy

COMMITTEE ATTENDANCE REPORT

The Trial Court Assessment Commission submits the following:
Meeting held on Friday, June 5, 1998, at 10:00 a.m., 8th Floor Conference Room, Farnum Building
Present: Senators Van Regenmorter and Dingell

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:
Meeting held on Tuesday, June 9, 1998, at 8:30 a.m., Room 100, Farnum Building
Present: Senators Gougeon (C), Bouchard and Geake
Excused: Senators V. Smith and Peters

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 6:25 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, June 11, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

