

No. 69

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Monday, November 13, 2000.

2:00 p.m.

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

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

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

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

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

Senator Beverly S. Hammerstrom of the 17th District offered the following invocation:

Heavenly Father, watch over us today, and provide us with both compassion and wisdom as we decide matters which affect the citizens of this great state. Father, we also ask that in this time of uncertainty in our country that You provide all of us with patience as we await the final outcome in knowing who will lead our nation.

As we leave here this week, please watch over each and every member, keeping them safe so that all might enjoy a happy and peaceful Thanksgiving with their families. In Thy holy name we pray. Amen.

Motions and Communications

Senator Dunaskiss entered the Senate Chamber.

Senator McCotter moved that Senators Rogers, Gast and McManus be excused from today's session. The motion prevailed.

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

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

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

Senate Bill No. 863

Senate Bill No. 1385

Senate Bill No. 1386

Senate Bill No. 1387

Senate Bill No. 1388

Senate Bill No. 1389

Senate Bill No. 1390

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

The following communication was received:
Department of State

Administrative Rule
Notice of Filing

November 2, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:28 a.m. this date, administrative rule (00-11-01) for the Department of State, Bureau of Automotive Regulation, entitled "*Licensing Vehicles Brokers*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 9:

House Bill Nos. 5967 6031

Messages from the Governor

The following communication from the Governor was received and read:

November 9, 2000

Please be advised that the following appointment on the letter dated October 24, 2000, was inadvertently included. Please remove the following name.

Michigan Board of Dentistry

Mr. William E. Jannenga, 1013 Leo, P.O. Box 222, Fremont, Michigan 49412, county of Newaygo, as a member representing the general public, for a term expiring on June 30, 2004.

Sincerely,
John Engler
Governor

The communication was referred to the Committee on Government Operations.

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

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

Senate Bill No. 1371, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217e. The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 676

Yeas—32

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

Nays—0

Excused—6

Gast	Murphy	Smith, V.	Vaughn
McManus	Rogers		

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1373, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81c. 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. 677**Yeas—32**

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

Nays—0**Excused—6**

Gast	Murphy	Smith, V.	Vaughn
McManus	Rogers		

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1372, entitledA bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16*l* of chapter XVII (MCL 777.16*l*), as amended by 2000 PA 279.

The question being on the passage of the bill,

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

Roll Call No. 678**Yeas—32**

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

Nays—0**Excused—6**

Gast	Murphy	Smith, V.	Vaughn
McManus	Rogers		

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Murphy entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1374, entitled

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

The question being on the passage of the bill,

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

Roll Call No. 679**Yeas—33**

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

Nays—0**Excused—5**

Gast	Rogers	Smith, V.	Vaughn
McManus			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Peters, Leland, DeBeaussaert, North, McCotter, Jaye, Goschka, Schuette, Bennett, Stille and Dunaskiss moved that they be named co-sponsors of the following bills:

Senate Bill No. 1371

Senate Bill No. 1372

Senate Bill No. 1373

The motion prevailed.

Senators Peters, Leland, DeBeaussaert, McCotter, Jaye, Goschka, Schuette, Bennett, Stille and Dunaskiss moved that they be named co-sponsors of the following bill:

Senate Bill No. 1374

The motion prevailed.

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

Senate Bill No. 1292

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 1141, entitled

A bill to repeal 1913 PA 334, entitled "An act to provide for the establishment, survey, improvement and maintenance of state reward trunk line highways, to provide for the payment of triple state reward thereon, to define the duties of state, county, good roads district and township officers in regard thereto, and to appropriate funds to carry out the provisions thereof," (MCL 250.2 to 250.9).

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

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

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

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

Senate Bill No. 1142, entitled

A bill to repeal 1919 (Ex Sess) PA 19, entitled "An act to provide for the laying out and establishing of additional trunk line mileage, the same to be added to and connected with the state trunk line highways heretofore established, under the provisions of Act No. 334 of the Public Acts of 1913, as amended," (MCL 250.101).

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

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

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

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

Senate Bill No. 1145, entitled

A bill to repeal 1929 PA 7, entitled "An act to provide for the laying out and establishing of additional trunk line mileage," (MCL 250.131).

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

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

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

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

Senate Bill No. 1146, entitled

A bill to repeal 1934 (1st Ex Sess) PA 27, entitled "An act to provide for the laying out and establishing of additional trunk line mileage," (MCL 250.142).

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

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

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

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 1292, entitled

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

by 1996 PA 400, section 15 as amended by 1981 PA 77, and sections 16 and 17 as amended by 1995 PA 41. (The bill was passed on October 5 and the vote reconsidered. See Senate Journal No. 67, pp. 1766, 1779.)

The question being on the passage of the bill,

Senator Jaye moved to reconsider the vote by which the amendment he offered was adopted.

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

The question being on the adoption of the amendment,

Senator Jaye withdrew the amendment.

Senator Jaye offered the following amendments:

1. Amend page 8, line 22, after "township" by striking out "ordinance" and inserting "RESOLUTION, MOTION, ORDINANCE,".

2. Amend page 12, line 18, after "cause." by inserting "IF THE LOCAL UNIT OF GOVERNMENT REQUESTS AN EXTENSION OF THE FILING DEADLINE, THEN THE LOCAL UNIT OF GOVERNMENT MUST PROVIDE TO THE DEPARTMENT OF TREASURY THE UNADJUSTED YEAR END TRIAL BALANCE REPORTS, IN A FORM AND MANNER AS PRESCRIBED BY THE DEPARTMENT OF TREASURY, TO THE DEPARTMENT OF TREASURY AT THE TIME THE LOCAL UNIT OF GOVERNMENT REQUESTS THE EXTENSION. THE DEPARTMENT OF TREASURY SHALL POST THESE UNADJUSTED YEAR END TRIAL REPORTS ON THE DEPARTMENT'S INTERNET WEBSITE IF THE EXTENSION IS GRANTED.".

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. 680

Yeas—33

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

Nays—0

Excused—5

Gast	Rogers	Smith, V.	Vaughn
McManus			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senator McCotter 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 Dunaskiss as Chairperson.

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

Senate Bill No. 1356, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding sections 39d and 39e.

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

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

House Bill No. 5066, entitled

A bill to establish conditions to the transfer of structured settlement rights; to establish a procedure for approval of the transfer of structured settlement rights; and to create circuit court jurisdiction for proceedings for approval of structured settlement rights.

Substitute (S-1).

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

1. Amend page 2, line 24, after "accountant" by striking out the balance of the line through "ner," on line 25.

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. 1320, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 35 (MCL 205.735), as amended by 1994 PA 254.

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:

Senate Bill No. 1357, entitled

A bill to create certain authorities; to authorize creation of certain funds; to authorize expenditures from certain funds; to finance the purchase of land and buildings; to allow for leasing of facilities; and to prescribe the powers and duties of certain state and local officials.

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 amendments, the following bill:

Senate Bill No. 1403, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 44501, 44502, 44503, 44504, 44507, 44508, 44509, 44511, 44512, 44513, 44517, 44520, 44521, 44522, and 44526 (MCL 324.44501, 324.44502, 324.44503, 324.44504, 324.44507, 324.44508, 324.44509, 324.44511, 324.44512, 324.44513, 324.44517, 324.44520, 324.44521, 324.44522, and 324.44526), sections 44501, 44502, 44503, 44504, 44507, 44508, 44509, 44511, 44512, 44513, 44517, 44520, 44521, and 44526 as added by 1995 PA 57 and section 44522 as amended by 1998 PA 262.

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

1. Amend page 2, line 20, by striking out all of subdivision (D) and inserting:

"(D) "CERTIFIED MARINE SURVEYOR" MEANS AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(i) THE INDIVIDUAL IS A CERTIFIED OR ASSOCIATE MEMBER OF A NATIONAL ASSOCIATION OR SOCIETY THAT CERTIFIES OR ACCREDITS MARINE SURVEYORS.

(ii) THE INDIVIDUAL'S PRIMARY SOURCE OF INCOME IS DERIVED FROM THE INSPECTION AND SURVEY OF VESSELS.

(iii) THE INDIVIDUAL'S NAME APPEARS ON A LIST OF APPROVED MARINE SURVEYORS THAT IS PROVIDED BY THE DEPARTMENT."

2. Amend page 9, line 10, after "on" by striking out "May" and inserting "DECEMBER".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 863, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5106, and 5313 (MCL 700.1106, 700.5106, and 700.5313).

Substitute (S-3).

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

1. Amend page 4, line 6, by striking out all of subdivision (Q) and inserting:

"(Q) "PROFESSIONAL CONSERVATOR" MEANS A PERSON WHO PROVIDES CONSERVATORSHIP SERVICES FOR A FEE AND WHO IS APPOINTED AS A CONSERVATOR FOR 3 OR MORE PROTECTED INDIVIDUALS. PROFESSIONAL CONSERVATOR DOES NOT INCLUDE A PERSON WHO IS AN INDIVIDUAL WHO IS RELATED TO ALL BUT 2 OF THE PROTECTED INDIVIDUALS FOR WHOM HE OR SHE IS APPOINTED AS CONSERVATOR.

(R) "PROFESSIONAL GUARDIAN" MEANS A PERSON WHO PROVIDES GUARDIANSHIP SERVICES FOR A FEE AND WHO IS APPOINTED AS A GUARDIAN FOR 3 OR MORE WARDS. PROFESSIONAL GUARDIAN DOES NOT INCLUDE A PERSON WHO IS AN INDIVIDUAL WHO IS RELATED TO ALL BUT 2 OF THE WARDS FOR WHOM HE OR SHE IS APPOINTED AS GUARDIAN." and relettering the remaining subdivisions.

2. Amend page 4, line 22, after "PROFESSIONAL" by striking out "FIDUCIARY" and inserting "GUARDIAN OR PROFESSIONAL CONSERVATOR, AS APPROPRIATE,".

3. Amend page 5, line 7, after "PROFESSIONAL" by striking out "FIDUCIARY" and inserting "GUARDIAN OR PROFESSIONAL CONSERVATOR".

4. Amend page 5, line 10, after "PROFESSIONAL" by striking out "FIDUCIARY" and inserting "GUARDIAN OR PROFESSIONAL CONSERVATOR".

5. Amend page 5, line 11, after "individual's" by inserting "OR PROTECTED INDIVIDUAL'S".

6. Amend page 5, line 15, after "5313" by inserting "OR 5409".

7. Amend page 5, line 17, by striking out "FIDUCIARY" and inserting "GUARDIAN OR PROFESSIONAL CONSERVATOR".

8. Amend page 5, line 18, after "PROFESSIONAL" by striking out "FIDUCIARY" and inserting "GUARDIAN OR PROFESSIONAL CONSERVATOR".

9. Amend page 5, line 19, after "A" by inserting "PROFESSIONAL".

10. Amend page 5, line 24, after "PROFESSIONAL" by striking out "FIDUCIARY" and inserting "GUARDIAN OR PROFESSIONAL CONSERVATOR".

11. Amend page 6, line 3, after "PROFESSIONAL" by striking out "FIDUCIARY" and inserting "GUARDIAN".

12. Amend page 6, line 5, after "PROFESSIONAL" by striking out "FIDUCIARY" and inserting "GUARDIAN".

13. Amend page 6, line 7, after "PROFESSIONAL" by striking out "FIDUCIARY'S" and inserting "GUARDIAN'S".

14. Amend page 6, following line 8, by inserting:

"(6) A PROFESSIONAL GUARDIAN APPOINTED UNDER THIS SECTION SHALL ENSURE THAT THERE ARE A SUFFICIENT NUMBER OF EMPLOYEES ASSIGNED TO THE CARE OF WARDS FOR THE PURPOSE OF PERFORMING THE NECESSARY DUTIES ASSOCIATED WITH ENSURING THAT PROPER AND APPROPRIATE CARE IS PROVIDED."

15. Amend page 7, line 22, after "PROFESSIONAL" by striking out "FIDUCIARY" and inserting "GUARDIAN".

16. Amend page 7, following line 23, by inserting:

"Sec. 5409. (1) The court may appoint an individual, a corporation authorized to exercise fiduciary powers, or a ~~nonprofit corporation~~ PROFESSIONAL CONSERVATOR described in section 5106 to serve as conservator of a protected individual's estate. The following are entitled to consideration for appointment in the following order of priority:

(a) A conservator, guardian of property, or similar fiduciary appointed or recognized by the appropriate court of another jurisdiction in which the protected individual resides.

(b) An individual or corporation nominated by the protected individual if he or she is 14 years of age or older and of sufficient mental capacity to make an intelligent choice, including a nomination made in a durable power of attorney.

(c) The protected individual's spouse.

(d) An adult child of the protected individual.

(e) A parent of the protected individual or a person nominated by the will of a deceased parent.

(f) A relative of the protected individual with whom he or she has resided for more than 6 months before the petition is filed.

(g) A person nominated by the person who is caring for or paying benefits to the protected individual.

(h) If none of the persons listed in subdivisions (a) to (g) are suitable and willing to serve, any person that the court determines is suitable and willing to serve.

(2) A person named in subsection (1)(a), (c), (d), (e), or (f) may designate in writing a substitute to serve instead, and that designation transfers the priority to the substitute. If persons have equal priority, the court shall select the

person the court considers best qualified to serve. Acting in the protected individual's best interest, the court may pass over a person having priority and appoint a person having a lower priority or no priority."

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. 1385, entitled

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

Substitute (S-3).

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

1. Amend page 2, line 19, after "(C)" by striking out the balance of the line through "EXECUTE" on line 21 and inserting "EXECUTION 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. 1386, entitled

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

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. 1387, entitled

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

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. 1388, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5314 (MCL 700.5314), as amended by 2000 PA 54.

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. 1389, entitled

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

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. 1390, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5215, 5314, and 5423 (MCL 700.5215, 700.5314, and 700.5423), section 5314 as amended by 2000 PA 54, and by adding section 5108.

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.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Bullard's first statement is as follows:

I just wanted to announce to the Senate and all employees that I am very proud my chief of staff, Kara Moore, who has passed the bar exam and was sworn into admission to the State Bar of Michigan. I'd appreciate a round of applause for Kara.

Senator Miller's statement is as follows:

From this side of the aisle, I wanted to give a special thanks to that outstanding new member of the bar because she's done extraordinary work for the committee which I serve on with Senator Bullard. I also think that really it wasn't Senator Bullard's efforts at work; it was really Kara's work.

I think she'll make an outstanding attorney, and I wish her the best of luck. I hope that when I talk to her from now on that the meter's not running so I get a bill at the end of the month.

Senator Bullard's second statement is as follows:

I just wanted to add that we have a lot of attorneys around here, and the great thing about having my own legal counsel in my own office is if I don't like the legal opinions I get from any of the other attorneys, I think I can get a good interpretation of the law from Kara.

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

Senators McManus, Bennett, Steil and Hammerstrom introduced

Senate Bill No. 1427, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3, 8, 11, 21, 25, and 26 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, and 117.26), section 3 as amended by 1999 PA 260 and section 25 as amended by 1982 PA 200.

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

Senators McManus, Bennett, Steil and Hammerstrom introduced

Senate Bill No. 1428, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4, 7, 21, and 23 (MCL 78.4, 78.7, 78.21, and 78.23), section 23 as amended by 1999 PA 258.

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

Senators McManus, Bennett, Steil and Hammerstrom introduced

Senate Bill No. 1429, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 1, 5, and 13 of chapter II, sections 1, 2, and 7 of chapter III, section 23 of chapter IX, and section 3 of chapter XII (MCL 62.1, 62.5, 62.13, 63.1, 63.2, 63.7, 69.23, and 72.3), sections 1, 5, and 13 of chapter II and sections 2 and 7 of chapter III as amended by 1998 PA 255 and section 3 of chapter XII as amended by 1998 PA 254.

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

Senator Jaye introduced

Senate Bill No. 1430, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103 and 40110 (MCL 324.40103 and 324.40110), section 40103 as amended by 1999 PA 66 and section 40110 as added by 1995 PA 57; and to repeal acts and parts of acts.

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

Senator Jaye introduced

Senate Bill No. 1431, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding sections 8e and 8f. The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Emmons introduced

Senate Bill No. 1432, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445.

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

House Bill No. 5967, entitled

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

The 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 Farming, Agribusiness and Food Systems.

House Bill No. 6031, entitled

A bill to designate highway M-109 located in Leelanau county as the "D.H. Day Highway"; and to prescribe the duties of the state transportation department.

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 Transportation and Tourism.

Committee Reports

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 863, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5106, and 5313 (MCL 700.1106, 700.5106, and 700.5313).

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1385, entitled

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

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

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1386, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1387, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1388, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5314 (MCL 700.5314), as amended by 2000 PA 54.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1389, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1390, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5215, 5314, and 5423 (MCL 700.5215, 700.5314, and 700.5423), section 5314 as amended by 2000 PA 54, and by adding section 5108.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:
Meeting held on Wednesday, November 8, 2000, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Hammerstrom (C), Gougeon, Goschka and Hart
Excused: Senators Johnson and Vaughn

Scheduled Meetings

Economic Development, International Trade and Regulatory Affairs - Tuesday, November 14, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-7946)

Health Policy - Tuesday, November 14, 3:00 p.m., Room 100, Farnum Building (373-0793)

Judiciary - Tuesday, November 14, 1:00 p.m. or later immediately following session, Rooms 402 and 403, Capitol Building (373-6920)

Senator McCotter moved that the Senate adjourn.
The motion prevailed, the time being 2:57 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, November 14, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.