

No. 76
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, December 7, 2000.

10:00 a.m.

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

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

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

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

Rogers—present
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 Gary Peters of the 14th District offered the following invocation:

God the Father, origin of divinity, good beyond all good, and fair beyond all fair, You are the abode of calmness, peace, and concord. Put an end to the discord that separates us from one another, and lead us back to a unity of love that may show some similarity to Your divine nature. As You are above all things, unite us by the unanimity of a good mind, so that through the embrace of love and the bonds of affection we may become spiritually one both in ourselves and in each others. By means of Your peace, which renders all things peaceful. Amen.

Motions and Communications

Senators Rogers, DeGrow, A. Smith and Gast entered the Senate Chamber.

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senators Gougeon and Goschka admittance to the Senate floor.

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

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

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

Senator Emerson moved that Senators Leland, Murphy, V. Smith and Vaughn be excused from today's session.

The motion prevailed.

Recess

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

The motion prevailed, the time being 10:05 a.m.

10:19 a.m.

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

During the recess, Senator Gougeon introduced to the Senate Miss Sarah Overdier, a 5th grader from Schall Elementary School in Caro, Michigan, and presented her with a special tribute for extraordinary artistic achievements.

Miss Overdier performed musical selections of "God Help the Outcast" and "Greatest Love of All."

During the recess, Senators Goschka and Stille entered the Senate Chamber.

Senator Rogers moved that Senators Van Regenmorter and Schuette be temporarily excused from today's session.

The motion prevailed.

Senator Rogers moved that Senators Hoffman and Jaye be excused from today's session.

The motion prevailed.

Senators Bullard and Van Regenmorter entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, December 6:

House Bill No. 6177

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, December 6, for his approval the following bills:

Enrolled Senate Bill No. 1238 at 1:16 p.m.

Enrolled Senate Bill No. 1239 at 1:18 p.m.

Enrolled Senate Bill No. 1240 at 1:20 p.m.

The Secretary announced the printing and placement in the members' files on Wednesday, December 6, of:
House Bill Nos. 6178 6179

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

Senator Rogers 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.

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

House Bill No. 4378, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 1995 PA 289.

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. 5736, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21787. 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. 5760, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20178. 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. 5761, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," (MCL 400.701 to 400.737) by adding section 26b.

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. 5237, entitled

A bill to amend 1985 PA 148, entitled "Self-service storage facility act," by amending the title and sections 3, 4, and 5 (MCL 570.523, 570.524, and 570.525).

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. 5931, entitled

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

Substitute (S-2).

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

1. Amend page 2, line 31, by striking out "IMPRISONMENT FOR".

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.

Senator Schuette entered the Senate Chamber.

A moment of silence was observed in memory of those who lost their lives at Pearl Harbor.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the Committee on Farming, Agribusiness and Food Systems be discharged from further consideration of the following bill:

House Bill No. 6115, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 43 (MCL 421.43), as amended by 1996 PA 145.

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

Senator Rogers 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. 794

Senate Bill No. 645

On which motion Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 771

Yeas—24

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Shugars
DeGrow	Gougeon	Miller	Sikkema
Dingell	Hammerstrom	North	Steil
Dunaskiss	Johnson	Rogers	Stille
Emmons	Koivisto	Schuette	Van Regenmorter

Nays—7

Byrum	DeBeaussaert	Peters	Young
Cherry	Emerson	Smith, A.	

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—1

Hart

In The Chair: Schwarz

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

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

House Bill No. 5710

Senate Bill No. 1314

Senate Bill No. 1174

Senate Bill No. 1408

Senate Bill No. 1363

The motion prevailed.

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

The motion prevailed.

Senator Peters' statement is as follows:

I'd like to introduce to my colleagues an intern, Eric Frank—if you'd rise Eric—who has served me very admirably in my office. This term he is a junior from the University of Michigan. Mr. President, I'm sure you're happy to see the University of Michigan represented here in the Senate as an intern.

His hometown is Chappaqua, New York, which also happens to be the hometown of New York's newest United States Senator, Hillary Clinton. He is hoping to pursue a career in politics. He also had the good fortune of interning with Senator Daniel Patrick Moynihan over this summer. He's had an opportunity now to see state government in action, and with all of that government experience, he still wants to pursue elective office. So I certainly think that is absolutely wonderful. He did an outstanding job in my office. He's a real credit to the University of Michigan because of the fine training he's been getting there. I wish him all the best of success in the future.

The following bill was announced:

House Bill No. 5710, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40117 and 40118 (MCL 324.40117 and 324.40118), as added by 1995 PA 57.

(This bill was read a third time on December 6, amendments adopted and consideration postponed. See Senate Journal No. 75, p. 2027.)

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. 772

Yeas—32

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

Nays—0

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—0

In The Chair: Schwarz

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

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

A bill to amend 1994 PA 451, entitled "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," by amending sections 40102, 40117, and 40118 (MCL 324.40102, 324.40117, and 324.40118), sections 40117 and 40118 as added by 1995 PA 57 and section 40102 as amended by 1999 PA 66; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 1314, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending sections 1 and 2 (MCL 691.1501 and 691.1502), section 1 as amended by 1987 PA 30.

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. 773

Yeas—32

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

Nays—0

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Shugars moved that he be named co-sponsor of the following bill:

Senate Bill No. 1314

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1174, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

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. 774

Yeas—32

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

Nays—0

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Dingell, North, Gougeon, DeBeaussaert, Dunaskiss, Steil and Miller moved that they be named co-sponsors of the following bill:

Senate Bill No. 1174

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1408, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending the title and sections 1, 2, 3, and 4 (MCL 28.211, 28.212, 28.213, and 28.214), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; 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. 775

Yeas—32

Bennett	Emerson	Koivisto	Schwarz
Bullard	Emmons	McCotter	Shugars
Byrum	Gast	McManus	Sikkema
Cherry	Goschka	Miller	Smith, A.
DeBeaussaert	Gougeon	North	Steil

DeGrow
Dingell
Dunaskiss

Hammerstrom
Hart
Johnson

Peters
Rogers
Schuette

Stille
Van Regenmorter
Young

Nays—0

Excused—6

Hoffman
Jaye

Leland
Murphy

Smith, V.

Vaughn

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. 1363, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289, and by adding section 1230c.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 2, following line 17, by inserting:

“(B) “EMPLOYING SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL” MEANS THE GOVERNING BOARD OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL BY WHICH THE PERSON IS EMPLOYED OR FOR WHICH THE PERSON IS PROVIDING SERVICES PURSUANT TO A CONTRACT.

(C) “PERSON EMPLOYED BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL” MEANS A PERSON EMPLOYED DIRECTLY BY THE GOVERNING BOARD OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR A PERSON PROVIDING SERVICES FOR A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL PURSUANT TO A CONTRACT WITH ITS GOVERNING BOARD.” and relettering the remaining subdivision.

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. 776

Yeas—32

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss

Emerson
Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson

Koivisto
McCotter
McManus
Miller
North
Peters
Rogers
Schuette

Schwarz
Shugars
Sikkema
Smith, A.
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—6

Hoffman
Jaye

Leland
Murphy

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators McCotter, North, Bullard, Gougeon, Rogers, Miller, McManus, DeBeaussaert, Peters, Young, Byrum, Hart and A. Smith moved that they be named co-sponsors of the following bill:

Senate Bill No. 1363

The motion prevailed.

By unanimous consent the Senate returned to the order of

General Orders

Senator Rogers 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.

After some time spent therein, the Committee arose; and, pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

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

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

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. 645, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407b.

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 returned to the order of

Motions and Communications

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

Senate Bill No. 794**Senate Bill No. 645**

On which motion Senator Peters 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. 777**Yeas—23**

Bennett	Gast	Koivisto	Shugars
Bullard	Goschka	McCotter	Sikkema
DeGrow	Gougeon	Miller	Steil
Dingell	Hammerstrom	North	Stille
Dunaskiss	Hart	Rogers	Van Regenmorter
Emmons	Johnson	Schuette	

Nays—6

Byrum	Emerson	Smith, A.	Young
DeBeaussaert	Peters		

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—3

Cherry	McManus	Schwarz
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In The Chair: Secretary of the Senate

Senator Emerson moved that Senator Cherry be temporarily excused from the balance of today's session.
The motion prevailed.

Senator Cherry entered the Senate Chamber.

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

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

Senate Bill No. 794

Senate Bill No. 645

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 2, line 3, following "DEATH" by inserting "OR TO PROTECT HER HEALTH".
2. Amend page 3, line 17, following "DEATH" by inserting "OR TO PROTECT HER HEALTH".

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

Senator Peters 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. 778**Yeas—9**

Byrum
Cherry
DeBeaussaert

Emerson
Hart

Peters
Schwarz

Smith, A.
Young

Nays—23

Bennett
Bullard
DeGrow
Dingell
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Johnson
Koivisto

McCotter
McManus
Miller
North
Rogers
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—6

Hoffman
Jaye

Leland
Murphy

Smith, V.

Vaughn

Not Voting—0

In The Chair: Secretary of the Senate

Protests

Senators Gougeon and Shugars, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Peters to Senate Bill No. 794.

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

The motion prevailed.

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

I hope the good Senator from the 24th is correct in that he knows where this is going because this bill should pass; the Peters amendment should go down. I want to remind my colleagues of something. This is an insurance bill. We’ve heard the emotionalism of a special case. What happens here has nothing to do with this bill because the individual can buy the rider on their own, or they can negotiate it with their union to add it on as a rider.

This bill has nothing to do with getting between the doctor and patient relationship. It’s how one goes about paying for an abortion. The people who have strong objections to an abortion are having to pay their money—their money out of their pockets—for this insurance coverage, and they object strongly to that. So that’s what this bill is about; it’s dealing with an abortion issue that’s purely elective abortions. When you add the word “health” to it, we can go way far to the extreme and say that almost means the death of the mother. The death of the mother, by the way, is covered in this bill. This doesn’t strike the death of the mother or if a mother is nearing death and needs an abortion to save her life. It’s elective abortions that we’re talking about here. But if you want to add the code word, the general word “health of the mother” can mean anything. I have a headache today; I guess I’ll get an abortion—elective abortions. That’s what we’re talking about. We’re not talking about getting between a doctor and her patient when the doctor tells her she needs an abortion to save her life. It has nothing at all in the world to do with this bill.

The Peters amendment would gut out this bill. It would make it a totally useless bill and maybe that’s why some who are pro-choice say that it improves the bill. Certainly, if you hold that point of view, of a gutted out bill, that certainly would be true in this case. So those who have brought this bill and myself would want you to understand what this bill is about and what it’s not about. Turn down the Peters amendment.

Senator Gougeon's second statement is as follows:

In response to Senator Peters when he indicated if you ask the average individual on the street if you are covered for everything, I would remind the good Senator that we have the good fight going now on the issue of diabetes and to add that to coverage. Certainly, there are a lot of people in this state who aren't covered by diabetes, and that's what the argument is all about between the Michigan Senate and the Michigan House. To think that you are covered is soon to be resolved.

Senator Shugars' statement is as follows:

I would like to emphasize that the maker of the amendment implied that health care providers made recommendations for medical services to their patients based on how they would receive payment or reimbursement from an insurance company. I want to make sure that that is not the case in Michigan that health care providers do make the best recommendations on generally accepted practices—what's best for patient all of the time. It doesn't matter if the patient has the resources to pay for it or if they have insurance or if the insurance covers or does not cover. But our health care providers do what's best for the patients.

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. 779

Yeas—22

Bennett	Goschka	McManus	Shugars
Bullard	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Steil
Dingell	Johnson	Rogers	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emmons	McCotter		

Nays—10

Byrum	Emerson	Peters	Smith, A.
Cherry	Gast	Schwarz	Young
DeBeaussaert	Hart		

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—0

In The Chair: Secretary of the Senate

The Senate agreed to the title of the bill.

Protests

Senators Peters, Schwarz, A. Smith, Byrum and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 794.

Senator Peters' statement is as follows:

Early in the bill before us, which deals with providing abortion services and making that a rider, there is an exception that if the procedure is necessary in order to prevent the death of the women, the cost involved would be covered. This amendment extends that to also protect her health. Certainly, it's my belief—I don't think it's a belief out in left field—that health insurance is designed to protect the health of individuals. This amendment is consistent with that in saying that if this procedure is necessary to protect the health of a woman, it will be paid for.

There are a number of circumstances in which this can occur. I'm going to talk a little bit about a real life experience that someone had with this to illustrate this issue. There's a woman who was going to have a baby, who very much wanted to have that baby, but very early in her pregnancy lost all of the fluid—the embryonic fluid—which according to her physician meant that that fetus was definitely going to die. He sent her home to have a miscarriage, saying this is going to happen. There will be a miscarriage. She went home and three days later it still didn't occur. You can imagine, certainly, any woman in this chamber or any woman watching knows the mental anguish, not to mention the mental anguish that goes on within that family when you're waiting for a miscarriage of a baby you wanted to have.

She went back to the doctor, and he couldn't believe the miscarriage still hadn't occurred, but did a test and still detected a heartbeat. He could not do a voluntary termination because that particular hospital he was associated with said they will not perform voluntary terminations, although in his medical judgment, there was no way this fetus could survive. In fact, with the lack of embryonic fluid the fetus would start losing its limbs. It would be just a horrible, gruesome situation, but he sent her back home again to have that miscarriage.

Again, a couple more days passed with the mental anguish that is involved in that situation. She went back to the doctor, and the doctor said, "I am going to plead with the hospital board to allow me to do this." They said no. He called her back and said this is not based on any sound medical reasoning whatsoever, this is strictly politics, and I would strongly urge you to find a hospital that will do this. Because she had connections, and not everybody does, but because she had connections, she was able to immediately get into a hospital and see the department head of obstetrics of that hospital. When he examined her, he said, "If I do not perform this procedure immediately, you will lose your uterus because it will be septic. I've got to do this now."

There are, unfortunately, way too many situations like that, and that's why I'm pro-choice. These are certainly decisions that should not be made by politicians. These are decisions that need to be made by physicians and women and families, not politicians.

Now we have a bill before us that says even in those situations where the health of this woman, who wanted to have this baby but for medical reasons couldn't, and because she was delayed because of political decisions could very well have lost her uterus, could have gone septic, and conceivably could have lost her life if it progressed much further. Not to mention the mental anguish she went through and the scares that are created with her family. That's what we're talking about here in this bill. We're talking about protecting health, protecting families, and not politicians injecting themselves in this most personal of decisions. I would strongly urge all the members to adopt this amendment. Health insurance is designed to protect the health of men and women. Please protect the health of women, and adopt this amendment. Allow health insurance to do what it is does—protect the health of women.

Senator Schwarz's statement, in which Senator Hart concurred, is as follows:

I have probably spent more time than most people in this chamber, maybe more time than anyone in this chamber, trying to talk women out of terminating a pregnancy, explaining to them the possibilities of adoption, and explaining to them that there will be help for them if they go ahead and complete the pregnancy and deliver the baby. I have done so for years and will continue to do so. But the fact of Roe v. Wade, the fact that abortion is legal in the United States and will remain legal, is a fact of settled law. At this juncture, I think it's inappropriate for this Legislature, any other Legislature, or the U.S. Congress to try to continue to micromanage this issue.

Senator A. Smith's statement is as follows:

I voted "no" on this legislation for a number of reasons. One is the rejection of the Peters amendment because it does not allow for us to protect the health of a woman whose pregnancy has endangered her health. I also am very concerned that we are in constitutional violation here. No insurance company has requested this legislation. No employer has requested this legislation. No one wants this but Right to Life. Once again, I think we've put ourselves in a position of determining what people want in terms of health here in the state of Michigan.

No individual can go out there and negotiate a rider on their insurance policy that isn't going to cost them probably as much as a procedure, which they have no way of anticipating they may need or want. In the past, here in this body, we have tried to eliminate the right of employer representatives to negotiate abortion issues on behalf of their employees or on behalf of their members. We will continue to do that here as we try to restrict what is a legal procedure and one that ought to be recognized as available through health insurance to any person who chooses. We interestingly enough have before us legislation that was passed unanimously in the Senate that would add a mandate for a small number, a relatively small number, of citizens in this state that all people would be covered because we believe it's right; because we believe it's medically important to do; because it does advance health issues for all people who have diabetes. But we restrict an opportunity for health benefits for a legal procedure because we've decided that we have the votes to interfere with a medically necessary or medically desirable procedure that is legal. I voted "no" for those reasons.

Senator Byrum's statement is as follows:

I voted "no" on this legislation because I believe the Legislature has gone too far. When we failed to adopt the Peters amendment, we made a very clear statement that we are more about forwarding a political agenda than we were about standing up for the ability of our citizens to make their own choices and to allow a doctor to perform their function and use their best medical judgment.

We can do so much as a body, as elected officials if we would move forward in thoughtful public policy that would address the issue of people avoiding unwanted pregnancies. But we have one more time chose not to go down that path but to put up road blocks for people that will ultimately impact their quality of life and potentially their health. This is wrong. We have gone too far, and it's a sad statement for this body. It's my only hope that the Governor will veto this legislation.

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

The following bill was read a third time:

Senate Bill No. 645, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407b.

The question being on the passage of the bill,
Senator Peters offered the following amendment:

1. Amend page 2, line 21, after "DEATH" by inserting "OR TO PROTECT HER HEALTH".

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. 780

Yeas—21

Bennett	Gougeon	McManus	Shugars
DeGrow	Hammerstrom	Miller	Sikkema
Dingell	Johnson	North	Steil
Dunaskiss	Koivisto	Rogers	Stille
Emmons	McCotter	Schuetz	Van Regenmorter
Goschka			

Nays—10

Byrum	Emerson	Peters	Smith, A.
Cherry	Gast	Schwarz	Young
DeBeaussiaert	Hart		

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—1

Bullard

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

House Bill No. 5709, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61503b and 61503c (MCL 324.61503b and 324.61503c), section 61503b as added by 1999 PA 246 and section 61503c as added by 1999 PA 247.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 1, line 7, after “items” by striking out the comma and the balance of the line through “items” on line 9. The amendment was not adopted, a majority of the members serving not voting therefor.

Senator North offered the following amendment:

1. Amend page 6, following line 5, by inserting:

“Sec. 76111. (1) ~~The~~ SUBJECT TO SUBSECTION (7), THE department OF ENVIRONMENTAL QUALITY shall establish Great Lakes bottomlands preserves by rule. A Great Lakes bottomlands preserve shall be established by emergency rule if it is determined by the department that this action is necessary to immediately protect an object or area of historical or recreational value.

(2) A Great Lakes bottomlands preserve may be established whenever a bottomlands area includes a single watercraft of significant historical value, includes 2 or more abandoned watercraft, or contains other features of archaeological, historical, recreational, geological, or environmental significance. Bottomlands areas containing few or no watercraft or other features directly related to the character of a preserve may be excluded from preserves.

(3) In establishing a Great Lakes bottomlands preserve, the department OF ENVIRONMENTAL QUALITY shall consider all of the following factors:

(a) Whether creating the preserve is necessary to protect either abandoned property possessing historical or recreational value, or significant underwater geological or environmental features.

(b) The extent of local public and private support for creation of the preserve.

(c) Whether a preserve development plan has been prepared by a state or local agency.

(d) The extent to which preserve support facilities such as roads, marinas, charter services, hotels, medical hyperbaric facilities, and rescue agencies have been developed in or are planned for the area.

(4) The department OF ENVIRONMENTAL QUALITY and the secretary of state shall not grant a permit to recover abandoned artifacts within a Great Lakes bottomlands preserve except for historical or scientific purposes or when the recovery will not adversely affect the historical, cultural, or recreational integrity of the preserve area as a whole.

(5) An individual Great Lakes bottomlands preserve shall not exceed 400 square miles in area. Great Lakes bottomlands preserves shall be limited in total area to not more than 10% of the Great Lakes bottomlands within this state. HOWEVER, THE LIMITATIONS PROVIDED IN THIS SUBSECTION DO NOT APPLY TO THE THUNDER BAY GREAT LAKES BOTTOMLAND PRESERVE ESTABLISHED IN SUBSECTION (7).

(6) Upon the approval of the committee, not more than 1 vessel associated with Great Lakes maritime history may be sunk intentionally within a Great Lakes bottomlands preserve. However, state money shall not be expended to purchase, transport, or sink the vessel.

(7) THE THUNDER BAY GREAT LAKES STATE BOTTOMLAND PRESERVE ESTABLISHED UNDER R 299.6001 OF THE MICHIGAN ADMINISTRATIVE CODE SHALL HAVE BOUNDARIES IDENTICAL WITH THOSE DESCRIBED IN 15 C.F.R. 922.190 FOR THE THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE. AS LONG AS THE THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE REMAINS A DESIGNATED NATIONAL MARINE SANCTUARY, THE RIGHT AND PRIVILEGE TO EXPLORE, SURVEY, EXCAVATE, AND REGULATE ABANDONED PROPERTY OF HISTORICAL OR RECREATIONAL VALUE FOUND UPON OR WITHIN THE LANDS OWNED BY OR UNDER CONTROL OF THE STATE WITHIN THOSE BOUNDARIES SHALL BE JOINTLY MANAGED AND REGULATED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. HOWEVER, THIS SUBSECTION SHALL NOT BE CONSTRUED TO CONVEY ANY OWNERSHIP RIGHT OR INTEREST FROM THE STATE TO THE FEDERAL GOVERNMENT OF ABANDONED PROPERTY OF HISTORICAL OR RECREATIONAL VALUE FOUND UPON OR WITHIN THE LANDS OWNED BY OR UNDER CONTROL OF THE STATE.”.

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. 781

Yeas—31

Bennett
Bullard
Byrum
Cherry

Emerson
Emmons
Gast
Goschka

McCotter
McManus
Miller
North

Shugars
Sikkema
Smith, A.
Steil

DeBeaussiaert
DeGrow
Dingell
Dunaskiss

Gougeon
Hammerstrom
Hart
Johnson

Peters
Rogers
Schuette
Schwarz

Stille
Van Regenmorter
Young

Nays—0

Excused—6

Hoffman
Jaye

Leland
Murphy

Smith, V.

Vaughn

Not Voting—1

Koivisto

In The Chair: Schwarz

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

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

A bill to amend 1994 PA 451, entitled “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,” by amending sections 61503b, 61503c, and 76111 (MCL 324.61503b, 324.61503c, and 324.76111), section 61503b as added by 1999 PA 246, section 61503c as added by 1999 PA 247, and section 76111 as added by 1995 PA 58.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

Conference Reports

Senate Bill No. 757, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending sections 31 and 32 (MCL 552.631 and 552.632), as amended by 1996 PA 301.

(For text of conference report, see Senate Journal No. 75, p. 2027.)

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 782

Yeas—32

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss

Emerson
Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson

Koivisto
McCotter
McManus
Miller
North
Peters
Rogers
Schuette

Schwarz
Shugars
Sikkema
Smith, A.
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—6

Hoffman
Jaye

Leland
Murphy

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 1418, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109g.
The House of Representatives has appointed Reps. Law, Geiger and Schauer as conferees to join with Senators Hammerstrom, Johnson and A. Smith.

The bill was referred to the Conference Committee on December 6, 2000.

Senate Bill No. 1419, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109f.
The House of Representatives has appointed Reps. Law, Geiger and Schauer as conferees to join with Senators Hammerstrom, Johnson and A. Smith.

The bill was referred to the Conference Committee on December 6, 2000.

By unanimous consent the Senate returned to the order of

Conference Reports

Senator Hammerstrom submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 1418, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109g.
Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 109G. (1) THE GOVERNOR SHALL CREATE A SPECIALTY SERVICES PANEL WITHIN THE DEPARTMENT OF COMMUNITY HEALTH TO REVIEW AND MAKE DETERMINATIONS REGARDING APPLICATIONS FOR PARTICIPATION SUBMITTED BY COMMUNITY MENTAL HEALTH SERVICES PROGRAMS OR OTHER MANAGING ENTITIES.

(2) THE SPECIALTY SERVICES PANEL SHALL CONSIST OF THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(A) THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH OR HIS OR HER REPRESENTATIVE.

(B) TWO MEMBERS WHO REPRESENT THE DEPARTMENT OF COMMUNITY HEALTH, EXCLUDING AN INDIVIDUAL APPOINTED UNDER SUBDIVISION (A).

(C) THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET OR HIS OR HER REPRESENTATIVE.

(D) FOUR MEMBERS WHO REPRESENT PRIMARY CONSUMERS OR FAMILY MEMBERS.

(E) FIVE MEMBERS WHO REPRESENT OTHER STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, 1 REPRESENTATIVE EACH FROM THE STATEWIDE ADVOCACY ORGANIZATIONS REPRESENTING ADULTS WITH SERIOUS MENTAL ILLNESS, CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE, INDIVIDUALS WITH SUBSTANCE ABUSE DISORDERS, AND INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES. AT LEAST 1 MEMBER APPOINTED UNDER THIS SUBDIVISION SHALL BE A COUNTY COMMISSIONER.

(3) NO MEMBER APPOINTED UNDER SUBSECTION (2)(D) OR (E) SHALL PROVIDE DIRECT SERVICES OR REPRESENT PROVIDERS WHO PROVIDE SERVICES FOR REIMBURSEMENT UNDER THIS ACT TO AN INDIVIDUAL WHO QUALIFIES FOR SPECIALTY SERVICES.

(4) MEMBERS OF THE SPECIALTY SERVICES PANEL SHALL SERVE FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER, EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, 4 SHALL SERVE FOR 1 YEAR, 5 SHALL SERVE FOR 2 YEARS, AND 4 SHALL SERVE FOR 3 YEARS.

(5) IF A VACANCY OCCURS ON THE SPECIALTY SERVICES PANEL, THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

(6) A MEMBER OF THE SPECIALTY SERVICES PANEL SHALL MAKE KNOWN ANY MATTER IN WHICH THAT MEMBER HAS A POTENTIAL CONFLICT OF INTEREST.

(7) THE SPECIALTY SERVICES PANEL SHALL REMAIN IN EXISTENCE TO SERVE IN AN ADVISORY CAPACITY TO THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH REGARDING PERFORMANCE AND QUALITY RELATING TO MEDICAID SPECIALTY SERVICES AND SUPPORTS. THE PANEL SHALL MEET NO LESS THAN 2 TIMES A YEAR. THE PANEL SHALL HAVE ACCESS TO ALL AGGREGATE QUALITY MANAGEMENT INFORMATION GATHERED BY THE DEPARTMENT OF COMMUNITY HEALTH RELATING TO THE MANAGING ENTITIES.

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 109g.

Beverly S. Hammerstrom
Shirley Johnson
Alma Wheeler Smith
Conferees for the Senate

Gerald Law
Terry Geiger
Mark Schauer
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 783

Yeas—32

Bennett	Emerson	Koivisto	Schwarz
Bullard	Emmons	McCotter	Shugars
Byrum	Gast	McManus	Sikkema
Cherry	Goschka	Miller	Smith, A.
DeBeaussaert	Gougeon	North	Steil

DeGrow
Dingell
Dunaskiss

Hammerstrom
Hart
Johnson

Peters
Rogers
Schuette

Stille
Van Regenmorter
Young

Nays—0

Excused—6

Hoffman
Jaye

Leland
Murphy

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senator Hammerstrom submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 1419, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109f.
Recommends:

First: That the House recede from its amendments numbered 1 and 2, which read as follows:

1. Amend page 1, line 5, after "DISORDER." by inserting "IF THE HEALTH CARE FINANCING ADMINISTRATION APPROVES THE WAIVER REQUESTED BY THE DEPARTMENT FOR MEDICAID-COVERED SPECIALTY SERVICES, INCLUDING MENTAL HEALTH,".

2. Amend page 1, line 9, after "109G." by inserting "QUALIFIED SPECIALTY PREPAID HEALTH PLANS SHALL BE EXISTING COMMUNITY MENTAL HEALTH SERVICES PROGRAMS OR OTHER NONPROFIT ENTITIES,".

Second: That the House agree to the Substitute of the Senate as passed by the Senate.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 109f.

Beverly S. Hammerstrom
Shirley Johnson
Alma Wheeler Smith
Conferees for the Senate

Gerald Law
Terry Geiger
Mark Schauer
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,
 Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 784

Yeas—32

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

Nays—0

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—0

In The Chair: Schwarz

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

House Bill No. 4335, entitled

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4335, entitled

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

Recommends:

First: That the House agree to the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1967 PA 150, entitled “An act to provide for the militia of this state and its organization, command, personnel, administration, training, supply, discipline, deployment, employment, and retirement; and to repeal acts and parts of acts,” by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

Randy Richardville
 Stephen Ehardt
 Douglas Bovin
 Conferees for the House

Joel Gougeon
 George A. McManus, Jr.
 Kenneth DeBeaussiaert
 Conferees for the Senate

Pursuant to joint rule 9, the conference report was laid over one day.

The President, Lieutenant Governor Posthumus, assumed the Chair.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 612, entitled

A bill to amend 1978 PA 59, entitled “Condominium act,” by amending sections 3, 6, 10, 45, 47a, 52, 58, 67, 73, 90, 108, 111, 112, 113, 132, and 135 (MCL 559.103, 559.106, 559.110, 559.145, 559.147a, 559.152, 559.158, 559.167, 559.173, 559.190, 559.208, 559.211, 559.212, 559.213, 559.232, and 559.235), sections 3, 10, 52, 67, 73, 112, and 135 as amended by 1982 PA 538, section 6 as amended by 1983 PA 113, section 47a as amended by 1998 PA 36, and section 90 as amended by 1988 PA 147, and by adding sections 72b, 90a, and 176.

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. 785

Yeas—32

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

Nays—0

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—0

In The Chair: Schwarz

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

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

Senator Rogers moved that the bill be given immediate effect.

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

The Senate agreed to the title as amended.

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

Senate Bill No. 633, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411a (MCL 750.411a), as amended by 1996 PA 303.

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. 786**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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 not concurred in, 2/3 of the members serving not voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 634, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16t of chapter XVII (MCL 777.16t), as added by 1998 PA 317.

Substitute (H-3)

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. 787**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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 not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 1324, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 244 (MCL 257.244), as amended by 1992 PA 306.

(For text of amendment, see Senate Journal No. 75, p. 2014.)

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

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

Roll Call No. 788**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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.

Senate Bill No. 765, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending sections 1, 4, and 20 (MCL 125.581, 125.584, and 125.600), section 1 as amended by 1995 PA 36 and section 20 as added by 1996 PA 571.

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. 789**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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

Senate Bill No. 764, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 9 and 151 (MCL 259.9 and 259.151), as amended by 1996 PA 370.

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. 790**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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.

Senate Bill No. 635, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1f of chapter IX (MCL 769.1f), as added by 1998 PA 345.

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. 791**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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 not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 885, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16o of chapter XVII (MCL 777.16o), as added by 1998 PA 317.

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. 792**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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 not concurred in, 2/3 of the members serving not voting therefor.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 120, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 285. 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. 793**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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 not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 882, entitled

A bill to create certain funds; to provide for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials.

Substitute (H-1).

The question being on concurring in the amendment 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. 794**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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.

Senate Bill No. 1170, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 2971.

(For text of amendment, see Senate Journal No. 75, p. 2026.)

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

Roll Call No. 795**Yeas—31**

Bennett	Emerson	Koivisto	Schwarz
Bullard	Emmons	McCotter	Shugars
Byrum	Gast	McManus	Sikkema
Cherry	Goschka	Miller	Smith, A.
DeBeaussaert	Gougeon	North	Steil
DeGrow	Hammerstrom	Peters	Stille
Dingell	Hart	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetten	

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—1

Young

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.

Senate Bill No. 859, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 667a. 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. 796**Yeas—32**

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

Nays—0

Excused—6

Hoffman
Jaye

Leland
Murphy

Smith, V.

Vaughn

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 Rogers moved that consideration of the following bill be postponed for today:

Senate Bill No. 1388

The motion prevailed.

Senate Bill No. 1173, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 230 (MCL 418.230), as amended by 1994 PA 271.

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

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

Senate Bill No. 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 313, and by adding section 5108.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1998 PA 386, entitled “An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts,” by amending sections 5215, 5314, and 5423 (MCL 700.5215, 700.5314, and 700.5423), section 5314 as amended by 2000 PA 313.

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

Senate Bill No. 1046, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 3 (MCL 207.803), as amended by 2000 PA 144.

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

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

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

Senate Bill No. 1395, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 2 and 3 of chapter X (MCL 770.2 and 770.3), as amended by 1998 PA 407, and by adding section 16 to chapter X.

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

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

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

Senator Rogers 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 concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 797**Yeas—32**

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

Nays—0**Excused—6**

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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.

Senate Bill No. 1272, entitled

A bill to create incentives to locate and maintain agricultural processing facilities within this state; to create certain funds; to authorize expenditures from the funds; to finance the development of certain facilities; to provide for appropriations; and to prescribe the powers and duties of certain state officials.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Rogers 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 concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 798**Yeas—27**

Bennett	Emmons	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
DeBeaussaert	Goschka	Miller	Steil
DeGrow	Gougeon	North	Stille
Dingell	Hammerstrom	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetten	Young
Emerson	Koivisto	Schwarz	

Nays—5

Byrum	Hart	Peters	Smith, A.
Cherry			

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

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.

Senate Bill No. 1271, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 484.

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

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

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

Senator Rogers 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 concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 799**Yeas—28**

Bennett	Emerson	Koivisto	Schwarz
Bullard	Emmons	McCotter	Shugars
Byrum	Gast	McManus	Sikkema
DeBeaussaert	Goschka	Miller	Steil
DeGrow	Gougeon	North	Stille
Dingell	Hammerstrom	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetten	Young

Nays—4

Cherry

Hart

Peters

Smith, A.

Excused—6Hoffman
JayeLeland
Murphy

Smith, V.

Vaughn

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.

Senate Bill No. 795, entitled

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 1996 PA 499.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 12, after “employed” by inserting “in farming operations involved in the production of seed or in agricultural processing”.

2. Amend page 2, line 23, after “week.” by inserting “HOWEVER, THE MINOR SHALL NOT BE REQUIRED BY AN EMPLOYER TO WORK MORE THAN 48 HOURS DURING ANY WEEK WITHOUT THE CONSENT OF THE MINOR.”.

3. Amend page 2, line 26, after “The” by inserting “agricultural processing”.

4. Amend page 3, following line 2, by inserting:

“(4) As used in this section:

(a) “Agricultural processing” means the cleaning, sorting, or packaging of fruits or vegetables.

(b) “Farming operations involved in the production of seed” means farming activities and research involved in the production of seed, including plant detasseling, hand-pollination, roguing, or hoeing, and any other similar farming activity required for commercial seed production.”.

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

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

Senate Bill No. 1313, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2512 and 2517 (MCL 339.2512 and 339.2517), section 2512 as amended by 1996 PA 430 and section 2517 as amended by 2000 PA 236.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 959, entitled

A bill to amend 1985 PA 227, entitled “Shared credit rating act,” by amending the title and sections 1, 3, 5, 6, 7, 8, 16, and 20 (MCL 141.1051, 141.1053, 141.1055, 141.1056, 141.1057, 141.1058, 141.1066, and 141.1070), the title and sections 3 and 8 as amended by 1997 PA 27, section 7 as amended by 2000 PA 118, and section 20 as amended by 1988 PA 316; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 11, line 7, after “A” by striking out the balance of the line through “COMPANY,” on line 8 and inserting “NONPROFIT CORPORATION,”.

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

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

Senate Bill No. 501, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1237.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1433, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 834 (MCL 500.834), as amended by 1995 PA 274.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1278, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; to make appropriations; and to repeal acts and parts of acts.

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

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

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

Senator Rogers 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. 800

Yeas—0

Nays—32

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

Excused—6

Hoffman	Leland	Smith, V.	Vaughn
Jaye	Murphy		

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to the order of

Motions and Communications

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

December 7, 2000

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the conference committee on Senate Bill 1278.
Senator Gast (Chair)
Senator Schwarz
Senator Emerson

Sincerely,
Dan L. DeGrow
Senator Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 226

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 226.

A resolution to congratulate Ronald J. Stempin on his retirement from the Detroit Police Department.

Whereas, It is a distinct pleasure to join with friends and colleagues in honoring Ronald J. Stempin on his retirement from the Detroit Police Department. For the past 34 years, Mr. Stempin has been a man who has regarded law enforcement as more than just a job. To him, it has been a career marked by a wide variety of duties and several truly spectacular moments. We are grateful for this opportunity to commend him for his contributions not only to the city of Detroit, but also to the state of Michigan. On behalf of the people he has served so well, we thank him as he retires from the department in January 2001; and

Whereas, Mr. Stempin's career has been marked by distinction. Joining the Detroit Police Department in 1966 as a patrolman, he was later promoted to the rank of sergeant in April 1976. Given his loyalty and commitment to labor issues, in 1978 he was elected vice president of the Detroit Police Lieutenants and Sergeants Association (DPLSA), a position he held for 19 years until being elected president of the Association in January 1997, a position he has held until the present; and

Whereas, With the retirement of Ronald Stempin, the Detroit Police Department is losing an exemplary professional, one who takes with him the respect of his colleagues and the gratitude of the people of the city of Detroit; and

Whereas, Mr. Stempin has provided invaluable service and leadership to a number of organizations, including his appointment by Governor Milliken to the Michigan Law Enforcement Officer's Training Council from 1978 to 1984. He also served as a former vice president of the National Association of Police Officers, a trustee to the Detroit Police & Fire Pension Board, and an executive board member of the Michigan Police Legislative Coalition; and

Whereas, Sound judgment, loyalty, and a penchant for hard work are just some of the qualities that Ronald Stempin has brought to this department. His deep sense of duty, which was exhibited in each task that came his way, showed that, for him, police work was much more than a job—it was a commitment to excellence; now, therefore, be it

Resolved by the Senate, That we congratulate and commend Ronald J. Stempin for his outstanding career with the Detroit Police Department. We extend our best wishes to him, his wife Elaine, and their three sons, Ronald, Kevin, and Gregory. We wish him the happiest of retirements; and be it further

Resolved, That a copy of this resolution be transmitted to Ronald J. Stempin in appreciation of his exemplary career and the high esteem we have for him.

Committee Reports

The Committee on Financial Services reported

House Bill No. 4332, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3010.

With the recommendation that the bill pass.

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

Bill Bullard Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5332, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 1993 PA 10.

With the recommendation that the bill pass.

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

Bill Bullard Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss and Shugars

Nays: Senator Miller

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5333, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 2 (MCL 447.152), as amended by 1990 PA 304.

With the recommendation that the bill pass.

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

Bill Bullard Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss and Shugars

Nays: Senator Miller

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5334, entitled

A bill to amend 1960 PA 136, entitled "Sale of checks act," by amending section 4 (MCL 487.904), as amended by 1990 PA 81.

With the recommendation that the bill pass.

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

Bill Bullard Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss and Shugars

Nays: Senator Miller

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5336, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 1214 (MCL 700.1214).

With the recommendation that the bill pass.

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

Bill Bullard Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5343, entitled

A bill to amend 1986 PA 89, entitled "Michigan BIDCO act," by amending section 717 (MCL 487.1717).

With the recommendation that the bill pass.

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

Bill Bullard Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5763, entitled

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending the title and sections 101, 102, 103, 201, 202, 203, 204, 301, 304a, 305, 401, 402, 403, 405, 406, 409, 410, 412, 413, 414, and 417 (MCL 451.501, 451.502, 451.503, 451.601, 451.602, 451.603, 451.604, 451.701, 451.704a, 451.705, 451.801, 451.802, 451.803, 451.805, 451.806, 451.809, 451.810, 451.812, 451.813, 451.814, and 451.817), section 201 as amended by 1996 PA 349, sections 202, 203, 402, and 410 as amended by 1990 PA 150, section 304a as added and section 305 as amended by 1996 PA 529, sections 401 and 409 as amended by 1988 PA 408, and section 413 as amended by 1992 PA 207, and by adding sections 202a and 308.

With the recommendation that the bill pass.

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

Bill Bullard Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars and Miller

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, December 6, 2000, at 9:10 a.m., Room 100, Farnum Building

Present: Senators Bullard (C), Emmons, Dunaskiss, Shugars and Miller

Excused: Senator Leland

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 645, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407b.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka, Johnson 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. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka, Johnson 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, December 6, 2000, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Goschka, Johnson and Hart

Excused: Senator Vaughn

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 757 submits the following:

Meeting held on Wednesday, December 6, 2000, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Bullard (C), Hammerstrom and Dingell

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 1418 submits the following:

Meeting held on Thursday, December 7, 2000, at 8:45 a.m., Room 327, House Office Building

Present: Senators Hammerstrom (C), Johnson and A. Smith

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 1419 submits the following:

Meeting held on Thursday, December 7, 2000, at 8:45 a.m., Room 327, House Office Building

Present: Senators Hammerstrom (C), Johnson and A. Smith

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4335 submits the following:

Meeting held on Thursday, December 7, 2000, at 9:15 a.m., Room 252, Capitol Building

Present: Senators Gougeon, McManus and DeBeaussiaert

Scheduled Meetings

Human Resources, Labor, Senior Citizens and Veterans Affairs - Tuesday, December 12, 11:00 a.m. or later immediately following session, Rooms 402 and 403, Capitol Building (373-2417)

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 1:56 p.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, December 12, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

