

No. 74
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, December 12, 2002.

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
Garcia—present
Gast—present
Goschka—present

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

Sanborn—present
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Joe Young, Jr., of the 1st District offered the following invocation:

Dear God, let it be known that where two or more people gather in Your name, You are present.

If it is Your will, we ask that You bless each and every one of us no matter what our background is, our nationality, or ethnic group. Bless the tall and the short, both male and female.

Give us the understanding to make decisions which are positive on behalf of Michigan citizens. Provide us with the knowledge and the light to outshine darkness. Bless our families, our friends, our staff, our communities, and those in government. Please continue Your loving-kindness as we struggle to keep Your commandments. Give us the strength to be thoughtful, considerate, and visionary.

Bless our children, bless the aged, and have mercy on those no longer with us, for Your mercy endures forever. Forgive us for doing things we should not have done, as well as forgive us for failing to do the things we should have done.

We ask this in Your name, our Lord and King, Jesus Christ, Savior and God, in the name of the Holy Spirit. Amen.

The President pro tempore, Senator Schwarz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Senators Van Regenmorter, Emmons and Smith entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Gougeon, Schuette and Shugars be temporarily excused from today's session. The motion prevailed.

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

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

Senators Schuette, Byrum, Shugars and Gougeon entered the Senate Chamber.

Senator Emmons moved that rule 3.902 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 Emmons moved that the statement of the Secretary of the Senate be printed in the Journal.

The motion prevailed.

The Secretary of the Senate's statement is as follows:

I ask that each member rise and remain standing as I call the names of the members who will be leaving the Michigan Senate at the end of this year: Lieutenant Governor Dick Posthumus, Senate Majority Leader Dan DeGrow, Senator Loren Bennett, Senator Bill Bullard, Senator Dianne Byrum, Senator John Cherry, Senator Ken DeBeaussaert, Senator Chris Dingell, Senator Mat Dunaskiss, Senator Joanne Emmons, Senator Harry Gast, Senator Joel Gougeon, Senator George Hart, Senator Phil Hoffman, Senator Don Koivisto, Senator Thad McCotter, Senator George McManus, Senator Art Miller, Senator Ray Murphy, Senator Walter North, Senator Gary Peters, Senator Bill Schuette, Senator Joe Schwarz, Senator Dale Shugars, Senator Alma Wheeler Smith, Senator Glenn Steil, Senator Leon Stille, Senator Bill Van Regenmorter, Senator Jackie Vaughn, Senator Joe Young, Jr.

To all of you, this is a unique time in the history of the Michigan Senate. This institution will continue, but it will never again have a membership with the years of experience you collectively possess. The Senate Journal contains the record of the policy work you have contributed to the state of Michigan, but it doesn't represent the real record of this class of Senators.

We wanted to preserve for history a record of you as an historic class of individuals. We thought about writing our own memories of each of you, but as ever behind the scenes staff, we felt it more politic, and ultimately more printable, to capture your thoughts, memories, and advice for future legislatures. After months of John Beutler, who is up in the Gallery, gathering your collective record, we are proud to present you with this special edition of the *Sen-News*.

It has been our honor and privilege to work for all of you and the institution of the Senate. On behalf of Pam Nyquist, the Assistant Secretary of the Senate, myself, and our staff, we wish you the best and brightest of futures.

I'd ask that the Secretary of the Senate's staff in the Gallery and on the floor stand and join me in a round of applause to thank you for your over 490 years of dedicated service to the Michigan Legislature and the people of the state of Michigan.

The following communication was received:
Office of the Great Lakes

December 3, 2002

Attached is a list of eight new research projects and five continuing research projects approved for funding under the Michigan Great Lakes Protection Fund in compliance with Public Act 156 of 1989. Section 10(1) of the Act requires that this list be submitted annually to the Legislature.

These projects were recommended by the Michigan Great Lakes Protection Fund Technical Advisory Board after extensive review. Funding for these projects was approved under the Department of Environmental Quality (DEQ), FY 2003 appropriations.

If you have any questions, please contact Ms. Emily Finnell, Office of the Great Lakes, at 517-241-7927, or you may contact me.

Sincerely,
David K. Ladd
Director
517-335-4056

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

December 11, 2002

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Animal Industry Division, Food and Dairy Division, and Laboratory Division, Department of Agriculture, December 2002.

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

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Emmons offered the following resolution:

Senate Resolution No. 279.

A resolution to approve and urge the Governor to execute a certain tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity; and

Whereas, The State of Michigan permits Class III gaming to be operated by nontribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, The Governor of the State of Michigan has negotiated tribal-state gaming compacts with 11 federally recognized Indian tribes, and the Michigan Legislature has approved all 11 compacts by resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, which is also known as the Gun Lake Band, is a federally recognized Indian tribe; and

Whereas, The principles of fairness, equity, and justice dictate that the State of Michigan enter into a Class III gaming compact with the Gun Lake Band on terms consistent with the tribal-state compacts previously approved by the Michigan Legislature; and

Whereas, A tribal-state gaming compact between the State of Michigan and the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) has been prepared. This compact was filed with the Secretary of the Michigan Senate on December 3, 2002, and is available for review; and

Whereas, The compact that has been prepared contains terms and conditions consistent with the previous 11 compacts signed by the Governor of the State of Michigan and approved by the Michigan Legislature; and

Whereas, This compact is the only Michigan compact that contains the additional requirements of adherence to Michigan laws and regulations concerning the production, distribution, and sale of tobacco; and

Whereas, This compact directs the 8% revenue payment be made to the Michigan School Aid Fund to the extent permitted by state law, or if for any reason not permitted by state law, the Michigan Strategic Fund, or its successor as determined by state law; now, therefore, be it

Resolved by the Senate, That we approve and urge the Governor to execute the tribal-state gaming compact on file with the Secretary of the Senate between the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians (the Gun Lake Band) and the State of Michigan to govern the establishment of one Class III gaming facility located on lands that are the subject of a federal fee-to trust process to become tribal lands of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan at the northeast corner of the intersection of U.S. 131 and 129th Street, which lands are located in Wayland Township in Allegan County, Michigan (a site of approximately 147 acres); and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, and the United States Secretary of the Interior.

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

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

The question being on the adoption of the resolution,

Senator Shugars requested the yeas and nays.

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

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 981

Yeas—21

Bennett	Emerson	Hammerstrom	McManus
Bullard	Emmons	Johnson	Miller
Byrum	Gast	Koivisto	Peters
Cherry	Goschka	Leland	Scott
DeBeaussaert	Gougeon	McCotter	Smith
Dunaskiss			

Nays—14

DeGrow	Hoffman	Schwarz	Stille
Dingell	North	Shugars	Van Regenmorter
Garcia	Sanborn	Sikkema	Young
Hart	Schuette		

Excused—3

Steil	Vaughn	Murphy
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Not Voting—0

In The Chair: Schwarz

Protests

Senators Schuette, Sikkema, Van Regenmorter, Stille, Shugars, Garcia, North, Hart and Sanborn, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 279.

Senator Schuette's statement, in which Senators Shugars, Garcia and North concurred, is as follows:

I rise in opposition to the resolution and wish to express a few words about this subject. Now reasonable people will differ on this subject, and I'm certain that over the course of the Senate we've had differences of opinion on this issue. That's what this process is all about.

First, I'd like to say what this vote is not about; it's not about the funding of schools. This aspect of having some of the casino revenue go to schools is really kind of a "sugar coating, hope you feel better in the morning" type bill. We could legalize drugs if we wanted and take a portion of that revenue and put it to the schools, but that's really not what this issue is about.

This is not about the states being helpless. We've got the big, bad wolf, the old federal government coming at us. You know that states aren't wusses in our system. We fight with the federal government all the time. We sue the federal government on EPA clean air acts, welfare exceptions. It happens all the time. Life goes on, and that's what our system of government is all about. So we are not helpless in this. The federal government does not have a gun pointed towards our heads.

I also want to say that this is not about—let me put it this way—the people who are advocating this I have great respect for. And the people who are advocating this are prominent businessmen who are outstanding members in their communities, so it's not about that either.

What this is about is the proliferation of gambling in Michigan. I have high respect for the Native American population in our state and in our country. As a former member of Congress, I worked with the tribes in Michigan and across the country in a number of different projects. I feel very proud about those accomplishments. There's only one state in the United States of America that has more casinos than Michigan and that's Nevada. And other states have not taken this laissez faire approach to the proliferation of gambling. But in Michigan, over the years, we've seen one after another successive resolution that's causing the expansion of gambling in Michigan, which I don't think should be the thrust and heart of development policies in our state. Taxes go up and taxes go down. Welfare rolls will expand; welfare rolls will shrink. Things will be tweaked or not tweaked, but one thing will remain, and that's the fact of this Nevada-ization in the state of Michigan with more casinos than any other state than Nevada. I don't think that's the right policy step for our state. That's my concern about this resolution today. I am voting "no" on this resolution, and I'd urge my colleagues to do the same.

Senators Sikkema, Van Regenmorter, Shugars and Hart moved that the statements they made during the discussion of the resolution be printed as their reasons for voting "no."

The motion prevailed.

Senator Sikkema's statement, in which Senators Shugars, Garcia, North and Sanborn concurred, is as follows:

I rise to oppose the resolution in front of us, and I agree with one of the previous speakers that this is not a new topic. But it also appears that it is always a lame duck topic, and that in and of itself speaks volumes. I oppose the four most recent compacts that were approved by legislative resolutions almost exactly four years ago when I was in the House, and I rise to oppose this compact. One of the differences is that the casino in question with Senate Resolution No. 279 is much closer to my home and to my district. Though I haven't looked at where all of us live and although the proposed casino is not in my district, I, in fact, might be the legislator or at least the Senator who lives closest to it. I believe that we will rue this day and that we will rue all the days that we have approved casinos and compacts that allow for casinos in this state.

I'm not going to belabor the point about the negative social impacts and the impacts on families and individuals of casinos, but they are pretty well-documented around the country. I will say that I do not agree that we must negotiate compacts. I do not agree that a federal gun is to our head, and I do not agree that there is nothing that we can do. The fact of the matter is about states' rights on this issue, and our ability to say "no" has never been yet fully tested in the courts. One of the important factors different from four years ago is that a different administration in Washington has taken a decidedly different view of Native American casinos and a different view of states' rights.

Now the most recent issue of *Time* magazine, which I got at my house a couple of days ago, has a very timely, interesting, and revealing cover story about this very issue that we face this morning. It discusses in some detail the problems associated with the proliferation of Native American casinos around the country. A federal law has utterly failed to properly oversee this matter of how what was originally seen as an economic development tool for impoverished Native Americans has become anything but that for many Native Americans and how it has been reduced to money-chasing tribes and even creating tribes from whole cloth.

I am truly sorry that this resolution is before this body today. Four years ago, a clear promise was made to this legislator and to other legislators that no additional compacts would be negotiated in the state of Michigan and that the position of this state would be to stand and oppose additional Native American casinos; and that we would exhaust and utilize every available legal tool and plead for congressional action if necessary to give states control over our own destiny on this matter. But somehow, in the passage of time and events, that commitment has been forgotten. I oppose Senate Resolution No. 279.

Senator Van Regenmorter's first statement, in which Senators Shugars, Garcia, North and Sanborn concurred, is as follows:

I feel a little bit like a wide-eyed deer standing squarely in between the railroad tracks as the train is coming at some speed toward me. I want to try to put in a little perspective, and we don't have a lot of debate time on the clock, but I want to put some perspective into this.

First, the structure of this process, the resolution that is before us is not just a resolution talking about why we ought to authorize another casino in the state of Michigan. It does approve the compact that is a part of it. I'll get to that in a minute. There are some impacts that I want to mention. There are some social and economical impacts. There is a deep moral concern on the part of several of us, and maybe on the part of many of us, and of course, this is under any circumstance a matter of considerable principle. Putting that aside and looking at the economic and social impact, there

was a study by United Way in 2001 of the Detroit casinos. If we extrapolate the study into Allegan County and the area surrounding the proposed casino sight, this would be the social cost: 1.1 percent pathological gamblers, \$15,000 of them; 4 percent compulsive gamblers, 60,000 of them. The average debt of a compulsive gambler is \$18,000 to \$50,000. The best case scenario is that it would affect the state of Michigan by \$1.35 billion; the worst case by \$3.75 billion. There is a cost, a tremendous social cost to casinos.

There's also a cost in terms of crime. It's sort of interesting. One of the sponsor's judges testified before a joint meeting before the Senate and House Judiciary Committees that they needed more judges in that area because of the casino that is there, seeming to imply that casinos generate more crime. We know that 1 out of 3 embezzlements today is the product of someone who is in trouble because of their gambling habit.

I want to go to the compact. This compact is an agreement with what sort of equates to a form of a foreign government. Think of the United States establishing a contract with Spain or with South Africa or with some other country. We'd have a train full of lawyers spending about 10 years drafting that kind of a compact because those agreements are so far reaching. This compact, if you approve this resolution today, you are approving this compact, and you ought to know some of the questions that should be raised about it. Section 9 of the compact allows for moving casinos in conjunction with other tribes. They could move casinos anywhere in the state. And this provision is in all of the compacts, so any tribe could close existing casinos and move them anywhere in the state. So if you think your backyard is necessarily safe from casino invasion, you may want to think again.

Section 4, subsection (m), subsection (3), potentially hides most records from the public through FOIA exemptions. These are records that would be submitted by the casino to the state to exempt those from FOIA exemptions and closes a very, very significant view that the public should have of how these casinos are operated.

Section 7b reserves to the tribe the right to resolve all disputes. Now listen to this—this is out of the compact—section 7b reserves to the tribe the right to resolve all disputes exclusively in tribal court. Couldn't this mean that the state's only recourse to enforce its interests would be resolved in a tribal court under potentially tribal law. As those representing the people in the state of Michigan, we ought to be very concerned about that. Section 7b says nothing in this compact shall be deemed a waiver of the tribes sovereign immunity. Sovereign immunity is upheld by this compact. In the event that any section or provision of this compact is disapproved by the Secretary of the Interior of the United States or is held invalid by any court of competent jurisdiction—undefined and might include tribal courts—this language would apparently allow a tribal court to hold the entire compact invalid, except for certain things such as payment to the state and local government. All regulation of gaming, all tobacco, and others would be abrogated by this.

Senator Van Regenmorter's second statement, in which Senators Shugars, Garcia, North and Sanborn concurred, statement is as follows:

It's clear that I, like some of the previous speakers, am strongly opposed to this casino. But I think the process has changed dramatically from what it was envisioned initially by the feds in their federal law and what was envisioned by the members of this body.

Here's what ordinarily would happen: Ordinarily, the state would negotiate in good faith—that's what Engler talks about—with the Indian tribes. That negotiation could result in an agreement which could be put in the form of a compact. The compact then would be subject as a bill to the debate, amending, and ordinary legislative process. A court decided that it didn't have to be by bill but that it could be by resolution. But even under that, the process is badly flawed, and that process is flawed because it's backwards. There is no discussion—there is no debate on the compact, and yet, the compact is critical to this process. And because this resolution automatically, if it passes, approves the compact, we are dealing with those issues that were laid out before. Potentially, we're in tribal court under tribal law listening to the tribe give us, essentially, instructions or possibly abrogating provisions of this compact rather easily. Those provisions are in what I just described.

So the concern I have is that this compact, which will have no debate whatsoever—we're only debating the resolution—essentially, will be adopted by this body, and because the House adopted the resolution and the compact as well.

This compact is so dangerous. It is written in water. There are so many outs, so many options, and there's so much recourse—the tribal courts as a final determiner of the fate of the state of Michigan or at least some of its residents, that its danger seems to me is inherent, and we need to take a look at what we're actually doing if we approve. Even for those who are strongly supportive of this casino, they ought to be concerned about how this compact is written because it would have or could have, certainly, an impact on other arrangements. For example, it is possible under this compact that the fees that go back to government may be abrogated if we go into slot machines at horse racing centers throughout the state of Michigan. I don't happen to support that, but I know there are those on this floor who do support that, and that could wipe out the revenue that comes before us.

We haven't talked very much in this debate about the issue of crime. We heard Judge Chamberlain, who is a judge where we have our largest casino in Michigan, before a joint committee of the judiciary a few months ago. And here's what he said in response. He was describing the need for more judges in that area. He was questioned by the committee saying, "What brings your court to the conclusion that you need some assistance?" His answer was this: "You have had

a lot of financial transaction device crime; we see an increase there—stolen ATM cards, credit cards; we have people literally stealing chips, and we've got scams between players and dealers. There are parking lot activities. People in gambling go out and do their drugs, and they bring videos in." What I just heard last week—this is the judge talking—a patron of the casino was walking out and somebody followed him out of the casino. I assume they were a winner of some money, and that patron was robbed. So in addition to the adverse social impacts, there is an increase in crime. This is from a judge, frankly, from the sponsors of our home community speaking on what happened in the largest casino in Michigan. This is dangerous. Let's oppose it.

Senator Stille's statement is as follows:

While I personally am not opposed to casinos, the bulk of the people in western Michigan are. And for the citizens of Kent, southern Ottawa, Allegan, Kalamazoo, and Van Buren Counties, to vote any way different than "no" representing those folks would be a terrible affront to them. They are adamantly opposed to it and saddened by this vote today.

Senator Shugars' statement, in which Senators Garcia, North and Sanborn concurred, is as follows:

I rise to oppose this resolution for a number of reasons. I strongly believe that the evidence is very clear and very concise. A number of people from the federal government to state governments to local governments throughout the United States have studied the effects of gambling casinos, and it doesn't matter if it's Native American or any other special interest group that deals with casinos. Gambling promotes a "get rich quick" type of work ethic rather than the traditional work ethic. It does take jobs away from establishments.

I represent the Kalamazoo County area, and I will submit that if a casino gets in this location, it will take jobs and business away from our restaurants in the Kalamazoo area, our entertainment facilities like bowling alleys, theaters, and that type of—anything that deals with entertainment. It will hurt those business people who pay state of Michigan sales tax, state income tax, single business tax, property taxes—which these types of casinos don't pay any of those types of taxes because they are a sovereign nation. It's obviously going to be detrimental to the small business people around the area.

It is about money. We all know that some people argue that if we don't pass this, the state of Michigan will lose 10 percent—2 percent for the locals and 8 percent for the state. So it's all about money. It's not about the abuse that will increase toward children. It won't be about spousal abuse. It won't be about increased crime. It won't be about increased bankruptcy. It won't be about increased debt that goes on when these people get addicted. We do know that up to 15 percent of people who start going to casinos get addicted and that they do end up in bankruptcy, abusive situations, and that costs us on the other line.

There's nobody who's advocating for this compact who has come up with any data about law enforcement or increases in social services or increases in health care costs. They don't talk about the expenditure side. They just talk about the 10 percent revenues that they receive, and I find it very unfortunate that we forget about the human side of this issue. We just zero in on that we can receive a few more million dollars at the expense of people.

So I rise to oppose this. I find that in the last 12 years serving as a state Representative and a state Senator, the number one legacy that we will have in the last 12 years will be that we expanded casinos in the state of Michigan. My heart is heavy with that because it is so unfortunate that the last 12 years we've gone from being not a gambling state to being one of the leading states in the Union for gambling. To the future generations, I apologize that we are unable to defeat these casinos, and I hope that the colleagues who have considered voting for this will maybe reconsider and vote "no" and make a strong statement for future generations.

Senator Hart's first statement is as follows:

I'm opposed to another casino opening in Michigan for the same reason. Michigan has some 20 tribal casinos and two commercial ones, and our sister city Windsor has three. That's 25 for the state of Michigan, if you will. If that's the answer to what's happening to our economy, that's not the ultimate answer. That compounds the problems when you read week after week about a 65-year-old grandmother who embezzled some \$300,000, so tearfully going to jail because she was addicted to gambling. Then the following week, we had a Detroit police officer, a corporal, who lost some \$250,000, and he committed suicide. And then we had a very wealthy Farmington Hills multimillionaire who lost some \$550,000, and he committed suicide. The truth of the matter is, wherever gambling is—and that's why Las Vegas is the number one suicide capital, and let me tell you that Michigan is following up on that.

Casinos don't help our economy. They compound it in many ways. For example, the 2 percent of the tribal casino revenues that revert back to the cities is not the answer. If you saw, for several weeks, two weeks ago in the Detroit papers, about the city of Detroit; we want more. It's costing us. It's costing us. Of course it's costing us. You're just looking at the picture; you're not looking the total problem—the crime, the traffic congestion, the addiction, that's just to name a few.

I will not vote for this resolution because I think casinos are bad for Michigan. When you consider that there are about 24 casinos in the state of Michigan, it is ludicrous.

Senator Hart's second statement is as follows:

I assume that everyone in this room has read *The Detroit News* and the *Detroit Free Press*. I did a few days ago. And it said specifically that Gun Lake supporters, three principal businessmen—wealthy businessmen—are going to end up with the money, not the poor Indians. You must have read that because I read it. If you want further proof, I can give you the names of the people the paper spelled out.

My other opposition to this is the very fact that over in the city of Windsor where they have assured that there will be an X number of dollars set aside for addiction, we don't do that. We're not quite as successful as they are in Windsor when it comes to addiction for the express purpose of preventing suicide, if you will.

The other thing that bothers me is that there are legislators here who voted against Sunday Lotto. That's a little too much Lotto for us. It was too much gambling in Michigan, so you voted against it. But now you stand up here and say, "I want that 24-hour, 7-day-a-week gambling casino open in my area." You can't have it both ways.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Cherry admittance to the Senate floor, including the center aisle and Gallery.

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

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 11:00 a.m.

11:09 a.m.

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

During the recess, Senator Cherry introduced to the Senate Coach Dennis Reinhart and the Montrose High School Football Team, Division V State Champions, and presented them with a special tribute acknowledging their outstanding accomplishments.

Coach Reinhart responded briefly.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 6202

House Bill No. 6204

House Bill No. 6205

House Bill No. 6219

House Bill No. 6496

House Bill No. 4330

House Bill No. 6234

House Bill No. 6444

House Bill No. 6445

House Bill No. 4818

House Bill No. 5277

The motion prevailed.

The following bill was read a third time:

House Bill No. 6202, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 9.

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. 982**Yeas—34**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Sanborn	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young
Emerson	Koivisto		

Nays—0**Excused—3**

Steil	Vaughn	Murphy
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Not Voting—1

Gast

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 6204, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” (MCL 722.621 to 722.638) by adding section 7j.

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. 983**Yeas—32**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Sanborn	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young

Nays—0**Excused—3**

Steil	Vaughn	Murphy
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Not Voting—3

Emerson

Gast

Leland

In The Chair: Schwarz

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

“An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

Senator Emmons moved that Senator Gast be temporarily excused from the balance of today’s session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 6205, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding section 3e.

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. 984**Yeas—34**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Sanborn	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young
Emerson	Koivisto		

Nays—0**Excused—4**

Gast

Murphy

Steil

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:

House Bill No. 6219, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80166 (MCL 324.80166), as added by 1995 PA 58, and by adding section 80166a.

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. 985

Yeas—34

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Sanborn	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young
Emerson	Koivisto		

Nays—0

Excused—4

Gast	Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

Senator Gast entered the Senate Chamber.

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

The motion prevailed.

Senator North’s statement is as follows:

We all have dedicated staffers who are moving on to other positions, but I have one original staffer here, Tracey Hendee, who’s been a Jill of All Trades. She ended up as my office manager, but she did my scheduling and constituent case work. Her parents moved to Tennessee several years ago, but being the dedicated employee she was, she agreed to stay through my term of office. The reason she has her coat on—I hope it’s not because she’s in any great hurry to leave—but she is relocating to Tennessee, and I would like my colleagues to applaud her for a job well done.

The following bill was read a third time:

House Bill No. 6496, entitled

A bill to authorize and regulate electronic transactions of public funds involving local units of government; and to provide for powers and duties of certain governmental agencies and officials.

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. 986

Yeas—34

Bennett	Emmons	Koivisto	Schuette
Bullard	Garcia	Leland	Schwarz
Byrum	Gast	McCotter	Scott
Cherry	Goschka	McManus	Shugars
DeBeaussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Smith
Dingell	Hart	Peters	Stille
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson		

Nays—0

Excused—3

Murphy	Steil	Vaughn
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Not Voting—1

Van Regenmorter

In The Chair: Schwarz

Senator Emmons 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 of the bill.

The following bill was read a third time:

House Bill No. 4330, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending sections 2, 7, and 8 (MCL 390.1452, 390.1457, and 390.1458), sections 7 and 8 as amended by 2002 PA 537.

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. 987

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars

Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

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

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

“An act to create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship board and prescribe the powers and duties of the board; and to provide for the Michigan merit award scholarship program.”.

The Senate agreed to the full title.

Senator Emmons moved that Senator Van Regenmorter be temporarily excused from the balance of today’s session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 6234, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Huron county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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. 988

Yeas—34

Bennett	Emmons	Koivisto	Schuette
Bullard	Garcia	Leland	Schwarz
Byrum	Gast	McCotter	Scott
Cherry	Goschka	McManus	Shugars
DeBeaussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Smith
Dingell	Hart	Peters	Stille
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson		

Nays—0

Excused—4

Murphy	Steil	Van Regenmorter	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Emmons 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 of the bill.

Senator Van Regenmorter entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 6444, entitled

A bill to prescribe the Amber alert of Michigan as the official response to reports of child abductions.

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. 989**Yeas—35**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0**Excused—3**

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Emmons 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 of the bill.

The following bill was read a third time:

House Bill No. 6445, entitled

A bill to provide for the broadcast of information concerning a child abduction on radio and television stations; and to prescribe the content of the information broadcast.

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. 990**Yeas—35**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0**Excused—3**

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Schwarz

Senator Emmons 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 of the bill.

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

The motion prevailed.

Senator Leland's statement is as follows:

While we're standing at ease, I'd like to make a couple of remarks about one of my friends. A colleague of ours is going to be leaving here today. My seatmate behind me, who I refer to as T.M.—Thaddeus McCotter—has been my friend and colleague and fellow traveler for four years. I have spent a lot of time talking with Thaddeus about many subjects. Even though he's been on the other side of the aisle, so to speak, our policies have never gotten in the way of our friendship. In fact, he, as you know, ran against my very, very good friend of 25 years, Kevin Kelley, for Congress and beat him, but that still didn't have an effect on our relationship and friendship that we've had. I just want to say that I've appreciated being your seatmate. Your office is next to mine. I, over the years, have heard much of your music. In fact, this morning you were jamming on something. It's always been entertaining and enjoyable. I truly am going to miss you, Thaddeus. We're going to have a lot of time to say goodbye to some people later, but you know, I brought you something, and you're dying to see what's inside this bag. So as a token of my love and my friendship and to thank you for four good years together—and I appreciate your staff; they've been very supportive in your office and at your desk—I wanted to give you a little something of my friendship and appreciation for being your friend. I want to give you this. You and I are going to probably have a contest some day in Washington. I know that you're a Beatles fan, and I brought you the *Ultimate Beatles Encyclopedia*. I know quite a bit about the Beatles too, being a '60s person. So I'm going to come to Washington one day, and you and I are going to have a test. So get ready for me, and here's a book in the meantime.

Recess

Senator Schwarz moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 11:35 a.m.

11:46 a.m.

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

The following bill was read a third time:

House Bill No. 4818, entitled

A bill to amend 1988 PA 234, entitled “Michigan Vietnam veterans memorial act,” by amending the title and sections 3 and 7 (MCL 35.1053 and 35.1057), the title as amended by 2000 PA 470 and sections 3 and 7 as amended by 1992 PA 121.

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. 991

Yeas—34

Bennett	Garcia	Leland	Schwarz
Byrum	Gast	McCotter	Scott
Cherry	Goschka	McManus	Shugars
DeBeaussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Smith
Dingell	Hart	Peters	Stille
Dunaskiss	Hoffman	Sanborn	Van Regenmorter
Emerson	Johnson	Schuette	Young
Emmons	Koivisto		

Nays—0

Excused—3

Murphy	Steil	Vaughn
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Not Voting—1

Bullard

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.

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

“An act to create the Vietnam veterans memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to designate the veterans memorial park; to provide for legislative oversight; and to provide for dissolution of the commission and monument fund.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5277, entitled

A bill to amend 1925 PA 289, entitled “An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain

institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 3 (MCL 28.243), as amended by 2001 PA 203.

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. 992

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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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. The Senate agreed to the title of the bill.

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

House Bill No. 6523
House Bill No. 5952
House Bill No. 5953
House Bill No. 5242
House Bill No. 5971
House Bill No. 5994
House Bill No. 5995
House Bill No. 5996
House Bill No. 5997
House Bill No. 5998
House Bill No. 5047
House Bill No. 5484
House Bill No. 4492
House Bill No. 5394
House Bill No. 5395
House Bill No. 6510
House Bill No. 6095

House Bill No. 6096
House Bill No. 6446
House Bill No. 6121
House Bill No. 4551
House Bill No. 4552
House Bill No. 4553
House Bill No. 5641

The motion prevailed.

The following bill was read a third time:

House Bill No. 6523, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11 (MCL 247.661), as amended by 2002 PA 498.

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. 993

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy

Steil

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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5952, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 261c.

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. 994**Yeas—35**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0**Excused—3**

Murphy	Steil	Vaughn
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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.

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

“An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5953, entitled

A bill to provide for circumstances under which certain forestry operations shall not be found to be a public or private nuisance; to provide for certain forestry management practices; to provide for certain powers and duties for certain state agencies and departments; and to provide remedies.

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. 995

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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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.

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5242, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 8 (MCL 722.958).

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. 996

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith

DeGrow
Dingell
Dunaskiss
Emerson

Hammerstrom
Hart
Hoffman
Johnson

North
Peters
Sanborn
Schuette

Stille
Van Regenmorter
Young

Nays—0

Excused—3

Murphy

Steil

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.

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

“An act to establish certain standards for foster care and adoption services for children and their families; and to prescribe powers and duties of certain state agencies and departments and adoption facilitators.”.

The Senate agreed to the full title.

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

House Bill No. 5971

The motion prevailed.

The following bill was read a third time:

House Bill No. 5994, entitled

A bill to assert the state’s interest in protecting all individuals; and to prescribe responsibilities and procedures in regard to a newborn whose live birth results from an abortion.

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. 997

Yeas—21

Bennett
Bullard
DeGrow
Dingell
Dunaskiss
Emmons

Garcia
Goschka
Gougeon
Hammerstrom
Hoffman

Koivisto
McCotter
McManus
Miller
North

Sanborn
Schuette
Shugars
Sikkema
Van Regenmorter

Nays—12

Byrum
Cherry
DeBeaussaert

Emerson
Gast
Johnson

Leland
Peters
Schwarz

Scott
Smith
Young

Roll Call No. 999**Yeas—24**

Bennett	Garcia	Koivisto	Schuette
Bullard	Goschka	McCotter	Shugars
DeGrow	Gougeon	McManus	Sikkema
Dingell	Hammerstrom	Miller	Stille
Dunaskiss	Hart	North	Van Regenmorter
Emmons	Hoffman	Sanborn	Young

Nays—11

Byrum	Emerson	Leland	Scott
Cherry	Gast	Peters	Smith
DeBeaussaert	Johnson	Schwarz	

Excused—3

Murphy	Steil	Vaughn
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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 Shugars requested the yeas and nays.

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

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

Roll Call No. 1000**Yeas—24**

Bennett	Garcia	Koivisto	Schuette
Bullard	Goschka	McCotter	Shugars
DeGrow	Gougeon	McManus	Sikkema
Dingell	Hammerstrom	Miller	Stille
Dunaskiss	Hart	North	Van Regenmorter
Emmons	Hoffman	Sanborn	Young

Nays—11

Byrum	Emerson	Leland	Scott
Cherry	Gast	Peters	Smith
DeBeaussaert	Johnson	Schwarz	

Excused—3

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Schwarz

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5996, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 135 (MCL 750.135), as amended by 2000 PA 233.

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. 1001**Yeas—24**

Bennett	Garcia	Koivisto	Schuette
Bullard	Goschka	McCotter	Shugars
DeGrow	Gougeon	McManus	Sikkema
Dingell	Hammerstrom	Miller	Stille
Dunaskiss	Hart	North	Van Regenmorter
Emmons	Hoffman	Sanborn	Young

Nays—11

Byrum	Emerson	Leland	Scott
Cherry	Gast	Peters	Smith
DeBeaussaert	Johnson	Schwarz	

Excused—3

Murphy	Steil	Vaughn
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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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5997, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2000 PA 234.

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. 1002

Yeas—24

Bennett	Garcia	Koivisto	Schuette
Bullard	Goschka	McCotter	Shugars
DeGrow	Gougeon	McManus	Sikkema
Dingell	Hammerstrom	Miller	Stille
Dunaskiss	Hart	North	Van Regenmorter
Emmons	Hoffman	Sanborn	Young

Nays—10

Byrum	Emerson	Peters	Scott
Cherry	Johnson	Schwarz	Smith
DeBeaussaert	Leland		

Excused—3

Murphy	Steil	Vaughn
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Not Voting—1

Gast

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.

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

“An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5998, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2822, 2843, 2882, and 5431 (MCL 333.2822, 333.2843, 333.2882, and 333.5431), section 2882 as amended by 2002 PA 544 and section 5431 as amended by 2000 PA 33.

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. 1003

Yeas—26

Bennett	Garcia	Leland	Schuette
Bullard	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	Miller	Stille
Dingell	Hart	North	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emmons	Koivisto		

Nays—9

Byrum	Gast	Peters	Scott
DeBeaussaert	Johnson	Schwarz	Smith
Emerson			

Excused—3

Murphy	Steil	Vaughn
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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.

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

"An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates."

The Senate agreed to the full title.

Protests

Senators Smith and Byrum, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 5994, 5995, 5996, 5997, and 5998.

Senator Smith’s statement, in which Senator Byrum concurred, is as follows:

I rise for a “no” vote explanation on House Bill Nos. 5994-5998; the package we just voted on. I voted “no” on the bills that just preceded because I think it fails to recognize that physicians have a certain amount of intelligence, and if they are dealing with a viable life, they will act to save it. I don’t think we need to mandate that kind of requirement on a physician. I think the bills are also very unkind, as they seek to punish indirectly a woman who has already made a decision that is allowed by law and by constitution. And for some reason, a signal of not even viability, but almost an autonomic response, we’re going to issue a birth certificate. These bills, I believe, are not only unconstitutional, I think they are unkind, they are punitive, and I voted “no.”

Senator Byrum’s statement is as follows:

All of us in our offices received a communication from a Dr. David Ebaggi, a pediatric critical care specialist at the University of Michigan. Now this goes in quite graphic detail as to exactly what these bills that we just passed would mandate on physicians and the clear and unkind treatment we would inflict. I’m not going to go into detail and to read exactly what the e-mail says, but all you should have received this. I hope you took the time to read it.

I voted “no” on this package of bills. These bills are a disaster in the making, and they would hurt most of the very infants the legislation seeks to protect.

The following bill was read a third time:

House Bill No. 5047, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 12a to chapter V.

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. 1004

Yeas—34

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Gougeon	North	Smith
DeGrow	Hammerstrom	Peters	Stille
Dingell	Hart	Sanborn	Van Regenmorter
Dunaskiss	Hoffman	Schuette	Young
Emerson	Johnson		

Nays—1

Leland

Excused—3

Murphy

Steil

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.

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5484, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 18e.

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. 1005

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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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.

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

“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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4492, entitled

A bill to amend 1971 PA 140, entitled “Glenn Steil state revenue sharing act of 1971,” by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 1998 PA 532.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 6, line 18, by striking out “2005-2006” and inserting “2005-2007”.
2. Amend page 6, line 18, after “years” by striking out “and for the period of October 1, 2006 through ~~June~~ SEPTEMBER 30, 2007, EXCEPT FOR THE 2002-2003 STATE FISCAL YEAR”.
3. Amend page 6, line 20, after “as” by striking out “OTHERWISE”.
4. Amend page 6, line 25, after “city.” by striking out the balance of the subsection.
5. Amend page 20, line 6, after “year.” by striking out the balance of the subsection.

The amendments were 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. 1006

Yeas—31

Bennett	Emerson	Hoffman	Sanborn
Bullard	Emmons	Johnson	Schuette
Byrum	Garcia	Koivisto	Schwarz
Cherry	Gast	McCotter	Shugars
DeBeaussaert	Goschka	McManus	Sikkema
DeGrow	Gougeon	Miller	Stille
Dingell	Hammerstrom	North	Van Regenmorter
Dunaskiss	Hart	Peters	

Nays—4

Leland	Scott	Smith	Young
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Excused—3

Murphy	Steil	Vaughn
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Not Voting—0

Senator Emmons moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.
 Senator Gast offered to amend the title to read as follows:

A bill to amend 1971 PA 140, entitled “An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties,” by amending sections 11, 12, and 13 (MCL 141.911, 141.912, and 141.913), sections 11 and 13 as amended by 1998 PA 532 and section 12 as amended by 1996 PA 342.

The amendment to the title was adopted.
 The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Scott’s first statement is as follows:

This is in regards to the revenue sharing for Detroit. If you recall, back in 1998, this was tie-barred to House Bill No. 5391 of 1998. House Bill No. 5989 went on to become Public Act No. 532 of 1998, the law that froze Detroit’s revenue sharing at \$333.9 million from October 1, 1998, through June 30, 2007. I’m asking that that be restored. House Bill No. 5391 went on to become Public Act No. 500 of 1998, the law that compelled Detroit to roll back the city income tax.

The 1998 agreement froze Detroit’s revenue sharing in exchange for the city agreeing to roll back its income tax. Only a decrease in sales tax revenues from one year to the next would negate the deal. In other words, the freeze on Detroit was supposed to be good unless the state sales tax collection decreased from one year to the next. As you know, revenue sharing is contingent on the sales tax revenues.

There has been no decrease in the state sales tax collection. In the four years, Detroit’s revenue sharing has been frozen. Indeed, sales tax revenues have grown \$5.6 billion in 1998 to \$6.3 billion in 2001. Even in this recession, sales tax revenues remain robust and should exceed last year’s total. The Governor’s executive order calls for an across-the-board reduction in statutory revenue sharing payments. The executive order would cost Detroit roughly \$11.7 million in revenue sharing. The state, by passing an executive order, is renegeing on its deal with the city of Detroit, and I urge support for this.

Senator Scott’s second statement is as follows:

As I indicated in my remarks, there was an agreement that was made. There was no agreement made with the other cities. Because of that agreement, I’m asking you to live up to that agreement today.

The following bill was read a third time:

House Bill No. 5394, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2001 PA 236.

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. 1007

Yeas—28

Bullard	Emerson	Johnson	Schwarz
Byrum	Emmons	Koivisto	Scott
Cherry	Garcia	Leland	Sikkema
DeBeaussaert	Gast	McManus	Smith
DeGrow	Gougeon	Miller	Stille
Dingell	Hammerstrom	North	Van Regenmorter
Dunaskiss	Hart	Peters	Young

Nays—7

Bennett	Hoffman	Sanborn	Shugars
Goschka	McCotter	Schuette	

Excused—3

Murphy

Steil

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.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Schuette’s statement is as follows:

I respect differing views on this bill, but I am opposed to the relaxation of criminal penalties of drug use. That’s what this bill and the two bills that follow it do. We’re eliminating the mandatory minimum sentences, and I object to that. If this is so benign, we ought to eliminate mandatory minimums on all varieties of criminal penalties, not just drugs. I think we are sending the wrong message here with these bills. We are sending a message that we are relaxing the penalties for drug use, drug sales, and drug trafficking. I think that’s some of the voices, not all. I don’t want to be harsh here because in any system there are problems that need to be worked through. Some of the voices, not all, that are advocating these changes would just assume have the decriminalization of drug use. I think that’s wrong. I think we are sending a message in terms of role models and behavior and conduct that some form of drug use, by changing this, isn’t so bad.

Some years ago, we eliminated the 650 Lifer Law; now we’re approaching it here. I think this is part of the greater scheme that has a differentiation between “soft drugs” and “hard drugs.” I think that is wrong as well. So I respectfully am opposed to this bill and the two bills in succession after this.

The following bill was read a third time:

House Bill No. 5395, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 34 of chapter IX, sections 1 and 2 of chapter XI, and sections 13m, 43, 45, and 57 of chapter XVII (MCL 769.34, 771.1, 771.2, 777.13m, 777.43, 777.45, and 777.57), section 34 of chapter IX and section 43 of chapter XVII as amended by 2000 PA 279, section 1 of chapter XI as amended by 2002 PA 483, section 2 of chapter XI as amended by 1998 PA 520, section 13m of chapter XVII as added by 2002 PA 30, section 45 of chapter XVII as added by 1998 PA 317, and section 57 of chapter XVII as amended by 1999 PA 227.

The question being on the passage of the bill,

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

Roll Call No. 1008**Yeas—27**

Bullard	Emerson	Johnson	Schwarz
Byrum	Emmons	Koivisto	Scott
Cherry	Garcia	Leland	Sikkema
DeBeaussaert	Gast	McManus	Smith
DeGrow	Gougeon	Miller	Van Regenmorter
Dingell	Hammerstrom	North	Young
Dunaskiss	Hart	Peters	

Nays—7

Bennett	Hoffman	Sanborn	Shugars
Goschka	McCotter	Schuette	

Excused—3

Murphy	Steil	Vaughn
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Not Voting—1

Stille

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.

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6510, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 20e and 34 (MCL 791.220e and 791.234), section 20e as amended by 1995 PA 20 and section 34 as amended by 1999 PA 191.

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. 1009**Yeas—29**

Bullard	Emmons	Johnson	Schwarz
Byrum	Garcia	Koivisto	Scott
Cherry	Gast	Leland	Sikkema
DeBeaussaert	Gougeon	McManus	Smith
DeGrow	Hammerstrom	Miller	Stille
Dingell	Hart	North	Van Regenmorter
Dunaskiss	Hoffman	Peters	Young
Emerson			

Nays—6

Bennett	McCotter	Schuette	Shugars
Goschka	Sanborn		

Excused—3

Murphy	Steil	Vaughn
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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.

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

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6095, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7212, 7401, 7402, 7403, and 7404 (MCL 333.7212, 333.7401, 333.7402, 333.7403, and 333.7404), section 7212 as amended by 1998 PA 248, sections 7401 and 7403 as amended by 2001 PA 236, and sections 7402 and 7404 as amended by 2000 PA 314.

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. 1010**Yeas—35**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott

Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0**Excused—3**

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Schwarz

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6096, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13m of chapter XVII (MCL 777.13m), as added by 2002 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. 1011**Yeas—35**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy

Steil

Vaughn

Not Voting—0

In The Chair: Schwarz

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6446, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” by amending sections 13 and 18 (MCL 492.113 and 492.118), section 13 as amended by 1990 PA 27 and section 18 as amended by 1995 PA 166.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 2, line 17, after “STATISTICS.” by inserting “THE DOCUMENTATION PREPARATION FEE LINE SHALL CLEARLY STATE, WITH THE WORD “NEGOTIABLE,” THAT THE DOCUMENT PREPARATION FEE IS NEGOTIABLE AND CANNOT EXCEED \$160.00.”.

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

Roll Call No. 1012

Yeas—18

Byrum

Garcia

McManus

Schwarz

Cherry

Goschka

Miller

Scott

DeBeaussaert

Gougeon

Peters

Smith

DeGrow

Hart

Sanborn

Young

Emerson

Koivisto

Nays—14

Bennett	Gast	North	Sikkema
Bullard	Hammerstrom	Schuette	Stille
Dingell	Hoffman	Shugars	Van Regenmorter
Dunaskiss	Johnson		

Excused—3

Murphy	Steil	Vaughn
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Not Voting—3

Emmons	Leland	McCotter
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In The Chair: Schwarz

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. 1013**Yeas—24**

Bennett	Goschka	Leland	Schuette
Bullard	Gougeon	McCotter	Scott
Byrum	Hammerstrom	McManus	Shugars
Dingell	Hart	Miller	Sikkema
Dunaskiss	Hoffman	North	Stille
Emmons	Johnson	Sanborn	Van Regenmorter

Nays—10

Cherry	Emerson	Koivisto	Schwarz
DeBeaussaert	Garcia	Peters	Young
DeGrow	Gast		

Excused—3

Murphy	Steil	Vaughn
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Not Voting—1

Smith

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.

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

“An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties.”.

The Senate agreed to the full title.

Senator Smith stated that had she been present when the vote was taken on the passage of the following bill, she would have voted “nay”:

House Bill No. 6446

The following bill was read a third time:

House Bill No. 6121, entitled

A bill to prohibit certain lending practices; to require disclosure of certain information for home loans; to prescribe certain duties and obligations of the lender in a home loan transaction; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide for remedies.

The question being on the passage of the bill,

Senator Scott offered the following substitute:

Substitute (S-1).

The substitute 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. 1014

Yeas—25

Bennett	Gougeon	McCotter	Schwarz
Bullard	Hammerstrom	McManus	Shugars
Dunaskiss	Hart	Miller	Sikkema
Emmons	Hoffman	North	Stille
Garcia	Johnson	Sanborn	Van Regenmorter
Gast	Koivisto	Schuette	Young
Goschka			

Nays—10

Byrum	DeGrow	Leland	Scott
Cherry	Dingell	Peters	Smith
DeBeaussaert	Emerson		

Excused—3

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Emmons 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 of the bill.

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

Protests

Senators Leland and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 6121 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Leland’s first statement is as follows:

I also rise to oppose House Bill No. 6121. Predatory lending, an unfair and abusive tactic, unfortunately is used often in my Detroit district. It is an issue that is very near and dear to me, and it is an issue that is very near and dear to many of us who represent an urban area.

I want to say that I have spent about six months working with the Senator from the 26th District, and he has been very fair on this issue working with me, very inclusive in the process. We have talked frequently about this issue with the interest groups. He has been a real class act in dealing with me. I want to thank him for that.

I have also enjoyed working with some of the interest groups, many of them are in the Gallery today. These are the good people. Unfortunately, the bad people we are trying to deal with never participated in any of the discussions we have had on predatory lending.

Many of you know that I have introduced legislation that would have provided consumer protections against abusive lending practices. I believe firmly that those items I had negotiated for—with the interest groups and the Senator from the 26th District—are not in this bill. The bill that comes before us today does not go far enough to protect consumers. The issues I have stressed with regard to predatory lending have not been addressed at all in this bill. One thing we talked about earlier in these discussions was counseling before you receive a loan. Credit counseling, I believe, for first-time homeowners is a very important piece of consumer protection. This is not part of this package.

Unfortunately, and I say this unfortunately, a lot of people get involved in a predatory practice. They are very excited about their first loan, their first home, and are more concerned about moving in, moving their family in, and their loved ones in than they are in reading the fine print, and they often get involved in a situation that comes to haunt them later. They can’t afford the home and then lose it because of predatory practices down the road. I have felt that all along that counseling should definitely have been part of this legislation. I am very, very disappointed in that.

Furthermore, the bill has not placed restrictions on several types of activities that are common to abusive lending, particularly with the high-cost mortgage loans, such as prohibiting repeated refinancing of high-cost loans without any benefit to the borrower.

The bill also does not prohibit the lender from recommending or encouraging a nonpayment on a loan, prohibiting loans without consideration of the ability of the borrower’s ability to pay. That’s where the credit counseling would have been absolutely imperative.

Prohibiting periodic payments that cause the principal’s balance to increase, this bill does not include that. Prohibiting an increase in the interest rate after default, that’s missing. Prohibiting advance payments is missing in the bill. Prohibiting a lender from recommending or encouraging nonpayment on a loan is missing. Prohibiting mandatory arbitration is missing, which limits the ability of a borrower to seek judicial relief. As my colleague from Highland Park stated, the bill usurps local control by prohibiting local municipalities from enacting stronger predatory lending ordinances.

Interestingly, while the proponents of this bill will argue that it provides significant consumer protection against predatory lenders, none of the consumer interest groups support the bill. We have worked with those groups over the last few months, and they are not in support. Let me again, as I did yesterday, tell you who those groups are: the NAACP, the AARP, the Michigan Advocacy Project, and the Attorney General’s office. These are highly respected groups, lobbying interest groups, and they in no way support this package of predatory lending legislation because it doesn’t do the job. It’s mediocre at best, and I believe our constituents who are preyed upon deserve much better than this.

We had an opportunity to put together some meaningful, tough legislation that would do away with this abusive lending practice. We didn’t do the job. I would ask you; I would urge you; I would plead with you one final time that we come back here in January and look at this issue to review it. The players who were involved in this legislation are still here. They are here today. They will be here next month. There is no reason why in the 11th hour in the middle of December we have to rush through a package that does not do what it is intended to do. It is phony legislation. It gives us the illusion that we actually are doing something, that we are solving the issue, and we are not. I hope you reject the bill on its final passage, and let us come back again and provide meaningful legislation dealing with some of the bad players out there who have not participated in this process.

Senator Leland's second statement is follows:

My good colleague from the 26th District made a statement that really says it all to me and what the whole issue of this bill is about. He said that we shouldn't do credit counseling because it slows the process down. Well, that is exactly what we need to do. When you are dealing with people who are going for a mortgage for the first time, who are so excited about getting into a home, they just don't read what they are getting into, and they don't think about the affordability. They don't think of what this involves in terms of the upkeep or what the payment involves. We need for some people, unfortunately, and this is government's job, to help people who just unfortunately at certain times just can't figure it out. We need to slow the process down. That is why credit counseling for first-time borrowers is absolutely essential. The bill does not do that. That is the entire thrust of the this whole idea of helping people. Give them some counseling. Let them know what they are dealing with before they get into a predatory practice so they won't lose their down payment and they won't lose their house down the road to somebody. Again, the issue has to do with counseling. We need counseling. Without it, this bill, in my estimation, is just not doing what it needs to do and go far enough.

Just one more thing, to my prayer partners on Thursday morning: Do one good, last thing for me, and vote against this bill.

Senator Scott's first statement is as follows:

My substitute I am offering would establish greater consumer protection against predatory lending practices. The substitute would prohibit repeated refinancing, or flipping, of high-cost loans, requiring counseling for first-time borrowers on the advisability and the appropriateness of a home loan, and prohibit lending against consideration of the borrowers ability to pay. It would also require additional disclosure to better inform borrowers of the term of the loan and provide victims of predatory lending with a private right of action so that they may pursue relief.

For too long the state has allowed financial predators to prey on vulnerable citizens. It is time to pass tough and meaningful legislation to crack down on these abusive practices. I would ask my colleagues to vote against this.

Senator Scott's second statement is as follows:

I oppose this bill, House Bill No. 6121. The executive order passed last week cuts \$53.1 million in payment to local governments, money that is badly needed to pay for public safety programs. Now we are asked to deal another legislative blow to the autonomy of local governments by passing House Bill No. 6121. This bill would forbid local governments from enacting laws against predatory lending to protect their own citizens. Almost all predatory loans are made to poor, minority, and older people in Michigan cities.

If this bill passes, the Legislature will be remembered for going against one of the majority party's sacred principles: Let local citizens govern themselves. We always scream when the federal government imposes some new rules of laws that strike against Michigan's autonomy. Now we are asked to compound our own hypocrisy by passing House Bill No. 6121.

I'd ask you to vote against this bill because it pre-empts the rights of local governments to protect their own citizens against predatory lending. We can do better next year, and hopefully, we will be willing to work on this bill. We want something that will protect the majority of the citizens in this state. I ask you to vote against this bill.

Senator Scott's third statement is as follows:

I want to remind my colleagues, as a member of the Banking and Financial Institutions Committee, we had much testimony, and it wasn't just in the inner cities. We had testimony from around this state of people who, I would think, were influential who really fell prey to predatory lending. Let's be careful. We do need to have information, and anyone who is involved in this should have the time to find some time to give the information that is needed.

There were teachers, educators, who have fallen prey to predatory lending. There is a lot of fine print, and I want to remind my colleagues that it is not just the inner cities; it is around this state. I would hope we would not pass this bill at this time. We can work on a new bill next year.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 1436, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22235, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22203, 333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22235, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, sections 22211, 22230, 22235, and 22255 as added by 1988 PA 332, and section 22226 as added by 1988 PA 331, and by adding section 22231a; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-7) the bill.

The House of Representatives has passed the bill as substituted (H-7) and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22235, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22203, 333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22235, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, sections 22211, 22230, 22235, and 22255 as added by 1988 PA 332, and section 22226 as added by 1988 PA 331, and by adding sections 22219 and 22224a; and to repeal acts and parts of acts.

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

Senator Emmons 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. 1015

Yeas—1

Miller

Nays—34

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	North	Smith
DeGrow	Hammerstrom	Peters	Stille
Dingell	Hart	Sanborn	Van Regenmorter
Dunaskiss	Hoffman	Schuette	Young
Emerson	Johnson		

Excused—3

Murphy

Steil

Vaughn

Not Voting—0

In The Chair: Hoffman

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

The following bill was read a third time:

House Bill No. 4551, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 151d.

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

1. Amend page 2, line 14, by striking out all of lines 14 through 17 and inserting:
“(a) Senate Bill No. 1448.
(b) Senate Bill No. 1452.
(c) House Bill No. 4552.
(d) House Bill No. 4553.”.

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. 1016

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Hoffman

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4552, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 1999 PA 73.

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

1. Amend page 8, line 26, by striking out all of line 26 through line 3 of page 9 and inserting:

"(a) Senate Bill No. 1448.

(b) Senate Bill No. 1452.

(c) House Bill No. 4551.

(d) House Bill No. 4553."

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. 1017

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Hoffman

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

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

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

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date."

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4553, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 151e.

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

- 1. Amend page 3, line 24, by striking out all of lines 24 through 27 and inserting:
“(a) Senate Bill No. 1448.
(b) Senate Bill No. 1452.
(c) House Bill No. 4551.
(d) House Bill No. 4552.”.

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. 1018

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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Not Voting—0

In The Chair: Hoffman

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5641, entitled

A bill to regulate the business of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The question being on the passage of the bill,

Senator Scott offered the following substitute:
Substitute (S-1).

The question being on the adoption of the substitute,
Senator Emmons moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

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 12, 2002

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the following conference committee:
SB 1436 Senator Schwarz (Chair)
 Senator DeGrow
 Senator Emerson

Sincerely,
Dan L. DeGrow
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Hart moved that rule 3.311 be suspended to permit reconsideration of the vote by which the following resolution was adopted:

Senate Resolution No. 279

A resolution to approve and urge the Governor to execute a certain tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan.
The motion did not prevail, a majority of the members serving not voting therefor.

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:

House Bill No. 5971, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16299, 17014, and 17015 (MCL 333.16299, 333.17014, and 333.17015), section 17014 as added by 1993 PA 133 and section 17015 as amended by 2000 PA 345.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 4, line 6, after "TRANSACTIONS" by inserting "FOR THE ACTUAL ABORTION PROCEDURE".
2. Amend page 10, line 18, after "FOR" by striking out "MEDICAL SERVICES" and inserting "AN ABORTION".
3. Amend page 10, line 19, after "FOR" by striking out "ALL MEDICAL SERVICES PROVIDED OR PLANNED" and inserting "A SCHEDULED ABORTION".
4. Amend page 10, line 22, after "FOR" by striking out the balance of the line through "OR" on line 23 and inserting "AN ABORTION".
5. Amend page 14, line 24, after "abortion" by striking out the balance of the line through "service" on line 25.

The amendments were 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. 1019

Yeas—24

Bennett
Bullard

Garcia
Goschka

Koivisto
McCotter

Schuetz
Shugars

DeGrow
Dingell
Dunaskiss
Emmons

Gougeon
Hammerstrom
Hart
Hoffman

McManus
Miller
North
Sanborn

Sikkema
Stille
Van Regenmorter
Young

Nays—10

Byrum
Cherry
DeBeaussaert

Gast
Johnson
Leland

Peters
Schwarz

Scott
Smith

Excused—3

Murphy

Steil

Vaughn

Not Voting—1

Emerson

In The Chair: Hoffman

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.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Scott’s statement is as follows:

After listening to testimony in committee, it seems that while there were opposing interests, one commonality stood out. It is my belief that no one supports requiring payment for an abortion prior to a 24-hour waiting period. In fact, it appeared that most would be okay if we simply limited prior payment for an abortion alone. Unfortunately, this bill would prohibit the payment of other medical services prior to a 24-hour waiting period. In order to make a compromise and to do what I believe individuals have stated as this bill’s intent, my amendment would prohibit only the pre-payment for an abortion prior to a 24-hour waiting period. Please support this amendment.

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

By unanimous consent the Senate returned to the order of
Messages from the House

The House of Representatives returned, in accordance with the request of the Senate
House Bill No. 5947, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 44 (MCL 211.44), as amended by 2000 PA 364.

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

The President, Lieutenant Governor Posthumus, assumed the Chair.

Senator Emerson entered the Senate Chamber.

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

The following bill was announced:

House Bill No. 5947, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 44 (MCL 211.44), as amended by 2002 PA 479.

Senator Emmons moved to reconsider the vote by which the bill passed,

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

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

The motion prevailed.

The question being on the adoption of the amendment,

Senator Cherry withdrew the amendment.

The question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 2, line 16, after “taxes” by inserting “ON THE FOLLOWING DAYS:

(A) AT LEAST 1 BUSINESS DAY BETWEEN DECEMBER 25 AND DECEMBER 31 UNLESS THE TOWNSHIP HAS AN ARRANGEMENT WITH A LOCAL FINANCIAL INSTITUTION TO RECEIVE TAXES ON BEHALF OF THE TOWNSHIP TREASURER AND TO FORWARD THAT PAYMENT TO THE TOWNSHIP ON THE NEXT BUSINESS DAY. THE TOWNSHIP SHALL PROVIDE TIMELY NOTIFICATION OF WHICH FINANCIAL INSTITUTIONS WILL RECEIVE TAXES FOR THE TOWNSHIP AND WHICH DAYS THE TREASURER WILL BE IN THE OFFICE TO RECEIVE TAXES.

(B) THE LAST DAY THAT TAXES ARE DUE AND PAYABLE BEFORE BEING RETURNED AS DELINQUENT UNDER SECTION 55.”.

2. Amend page 3, line 1 after “taxes.” by striking out the balance of the subsection.

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. 1020

Yeas—33

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Sanborn	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young
Emmons			

Nays—0

Excused—4

Emerson

Murphy

Steil

Vaughn

Not Voting—1

Leland

In The Chair: President

Senator Emmons moved to reconsider the vote by which the bill was given immediate effect.

The motion prevailed.

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.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 28, entitled

A bill to amend 1976 PA 295, entitled “State transportation preservation act of 1976,” (MCL 474.51 to 474.70) by amending the title, as amended by 1984 PA 210, and by adding section 15a.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 295, entitled “An act to improve and maintain transportation services in this state; to provide for the acquisition and use of funds; to provide for the acquisition of certain railroad facilities and certain property; to provide for the disposition and use of facilities and property acquired under this act; to provide for financial assistance to certain private transportation services; to prescribe the powers and duties of certain state departments and agencies; to provide for the transfer of certain funds; to provide for the creation of certain funds; and to provide for appropriations,” (MCL 474.51 to 474.70) by adding section 15a.

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

Senator Emmons 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. 1021

Yeas—33

Bennett

Gast

Leland

Schwarz

Bullard

Goschka

McCotter

Scott

Byrum

Gougeon

McManus

Shugars

DeBeaussaert

Hammerstrom

Miller

Sikkema

DeGrow

Hart

North

Smith

Dingell

Hoffman

Peters

Stille

Dunaskiss

Johnson

Sanborn

Van Regenmorter

Emmons

Koivisto

Schuette

Young

Garcia

Nays—0

Excused—4

Emerson

Murphy

Steil

Vaughn

Not Voting—1

Cherry

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.

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

Senator Cherry entered the Senate Chamber.

Senate Bill No. 63, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346, and by adding section 2568.

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 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. 115, entitled

A bill to amend 1846 RS 14, entitled “Of county officers,” by amending section 60 (MCL 49.160).

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 20, after “appointment” by inserting a comma and “INCLUDING THE POWER TO INVESTIGATE AND INITIATE CHARGES”.

2. Amend page 2, line 24, by striking out the balance of the subsection.

3. Amend page 3, following line 10, by inserting:

“Enacting section 1. This amendatory act takes effect February 1, 2003.”.

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

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

Senator Emmons moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 1022

Yeas—34

Bennett
Bullard
Byrum

Garcia
Gast
Goschka

Leland
McCotter
McManus

Schwarz
Scott
Shugars

Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Sanborn	Van Regenmorter
Dunaskiss	Johnson	Schuette	Young
Emmons	Koivisto		

Nays—0

Excused—4

Emerson	Murphy	Steil	Vaughn
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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. 213, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1231 and 1236 (MCL 380.1231 and 380.1236), section 1236 as amended by 1995 PA 289, and by adding section 1236a.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 3, after “TO” by striking out “SUBSECTION (3)” and inserting “SUBSECTIONS (3) AND (4)”.
2. Amend page 3, following line 18, by inserting:

“(4) SUBSECTION (2) DOES NOT APPLY TO A SUBSTITUTE TEACHER WHO IS FULFILLING THE TEACHING DUTIES OF A TEACHER WHO IS UNABLE TO TEACH DUE TO A TERMINAL ILLNESS.” and renumbering the remaining subsection.

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.

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

Senator Emmons moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 1023

Yeas—20

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
Emmons	Hammerstrom	North	Sikkema
Garcia	Hoffman	Sanborn	Stille
Gast	Johnson	Schuette	Van Regenmorter

Nays—12

Byrum	Dingell	Leland	Scott
Cherry	Hart	Miller	Smith
DeBeaussaert	Koivisto	Peters	Young

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. 1238, entitled

A bill to amend 1905 PA 282, entitled “An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act,” by amending sections 4, 5, and 9 (MCL 207.4, 207.5, and 207.9), sections 4 and 9 as amended by 1995 PA 257.

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

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 Emmons requested the yeas and nays.

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

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 1025

Yeas—33

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Scott
Byrum	Gougeon	McManus	Shugars
Cherry	Hammerstrom	Miller	Sikkema
DeBeaussaert	Hart	North	Smith
DeGrow	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emmons	Koivisto	Schuette	Young
Garcia			

Nays—0

Excused—4

Emerson	Murphy	Steil	Vaughn
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Not Voting—1

Dingell

In The Chair: President

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

Senate Bill No. 1422, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 7 (MCL 208.7), as amended by 2001 PA 229.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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 Emmons 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. 1026**Yeas—30**

Bennett	Garcia	Leland	Schuette
Bullard	Goschka	McCotter	Schwarz
Byrum	Gougeon	McManus	Shugars
DeBeaussaert	Hammerstrom	Miller	Sikkema
DeGrow	Hart	North	Stille
Dingell	Hoffman	Peters	Van Regenmorter
Dunaskiss	Johnson	Sanborn	Young
Emmons	Koivisto		

Nays—3

Emerson	Scott	Smith
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Excused—3

Murphy	Steil	Vaughn
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Not Voting—2

Cherry	Gast
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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. 1437, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 37 (MCL 338.2237), as amended by 1988 PA 461.

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. 1438, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 409, 411, and 2504 (MCL 339.409, 339.411, and 339.2504), section 409 as added by 1988 PA 463, section 411 as amended by 1989 PA 261, and section 2504 as amended by 1984 PA 413, and by adding section 2502a.

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 Emmons 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. 1027

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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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. 1505, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 115f, 115g, 115i, 115j, 115l, and 115m (MCL 400.115f, 400.115g, 400.115i, 400.115j, 400.115l, and 400.115m), section 115f as amended by 1998 PA 22, section 115g as amended and sections 115i and 115l as added by 1994 PA 238, section 115j as amended by 2000 PA 61, and section 115m as added by 1994 PA 207, and by adding sections 115r and 115s.

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.

Senator Emmons moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

Senate Bill No. 1446, entitled

A bill to amend 1941 PA 122, entitled “An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties

of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending the title and sections 1, 3, 4, 12, 19, 21, 24, 25, 26, 27a, 28, 30c, and 31 (MCL 205.1, 205.3, 205.4, 205.12, 205.19, 205.21, 205.24, 205.25, 205.26, 205.27a, 205.28, 205.30c, and 205.31), the title as amended by 1999 PA 182, sections 3, 12, 25, and 26 as amended by 1986 PA 58, section 4 as added and section 27a as amended by 1993 PA 14, section 19 as amended by 1996 PA 479, section 21 as amended by 1993 PA 13, sections 24, 30c, and 31 as amended by 2001 PA 168, and section 28 as amended by 2000 PA 308; and to repeal acts and parts of acts.

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 1941 PA 122, entitled “An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending the title and sections 1, 3, 4, 12, 19, 21, 24, 25, 26, 27a, 28, and 31 (MCL 205.1, 205.3, 205.4, 205.12, 205.19, 205.21, 205.24, 205.25, 205.26, 205.27a, 205.28, and 205.31), the title as amended by 1999 PA 182, sections 3, 12, 25, and 26 as amended by 1986 PA 58, section 4 as added and section 27a as amended by 1993 PA 14, section 19 as amended by 1996 PA 479, section 21 as amended by 1993 PA 13, sections 24 and 31 as amended by 2001 PA 168, and section 28 as amended by 2000 PA 308; and to repeal acts and parts of acts.

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

Senator Emmons 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. 1028

Yeas—35

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Peters	Van Regenmorter
Dunaskiss	Hoffman	Sanborn	Young
Emerson	Johnson	Schuette	

Nays—0

Excused—3

Murphy	Steil	Vaughn
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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.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Emmons, Gougeon, Hart, McManus, North, Koivisto, Scott, Gast, Bennett, Schuette, Dingell, Smith, Van Regenmorter, Bullard, McCotter, Cherry, Young, Shugars, Dunaskiss, DeGrow, Stille, Garcia, Miller, DeBeaussaert and Leland asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Emmons' statement is as follows:

When I began this job 16 years ago, I had no idea I'd still be here and I'd still be doing something like this. I need to thank especially you, Lieutenant Governor Posthumus, for giving me the opportunity to chair the Finance Committee. No woman had ever done that before. I was a freshman legislator. There were other people who thought they had a call on that chairmanship, but you chose me. I want to thank you very much for giving me that opportunity to do what no woman had ever done before. The same is true of Senator DeGrow. He also gave me opportunities. Some of them I didn't want, but I actually learned a lot chairing, for instance, the Senate Education Committee, which was a chore. It has been a wonderful time dealing with all of you. The members who have served on the committees that I have chaired have been absolutely wonderful to work with, often bringing compromises and ideas that were particularly helpful for the people of the state of Michigan.

I can't say I'm going to miss this because I'm ready to go. This week my husband is buying a recreational vehicle, so I plan to do a lot of traveling. Believe me, that's more fun than doing this.

You've all been wonderful on both sides of the aisle. It's been a wonderful opportunity that I never thought I'd be able to do 16 years ago when I was a township treasurer wearing my jeans and my tennis shoes and never put on a pair of pantyhose unless I had to. This has been a change of pace, but it's absolutely been wonderful, and I want to thank you all from the bottom of my heart. For each Senator I have a memento for all the time we've spent together. I hope when you look at this flag and you think of this Senate, you'll think that we did a lot of good things and have accomplished a lot. I am just thankful to both God and my constituents for being able to be part of it.

Senator Gougeon's statement is as follows:

Goodbyes are awful hard. I just want to say it's been said today that people have thought of me as just an outstanding Senator when I first got here, but when I got on the Appropriations Committee, I went completely to hell. I confess, Mr. President, that I'm addicted to spending, spending billions of dollars. As a result of term limits, I will now be entering therapy. My wife assures me that it'll be the other way around, and I will learn a new way of life.

Seriously, what a pleasure it has been to serve with all of you on both sides of the aisle. I thank almighty God that I've had the opportunity to serve with such outstanding people, both Senators and staffers here in this great body. It's really been a privilege, and for somebody like me, just a thrill beyond description to have had an opportunity to be in this Senate for nearly ten years.

I will miss you all as I leave here today. Because of my wife's surgery, I cannot be here tomorrow. I'll say goodbye. I'll probably use this microphone doing some bills here this afternoon, but it's with love and kisses that I say goodbye to all of you. I will dearly miss you, and particularly my staff that has been so helpful and the good folks of the Senate Fiscal Agency who've helped me over these past four years; particularly you, Mr. President, who recruited me into this body ten years ago. I thank you dearly for doing that. I can recall the time we sat in my living room, and you convinced me to take a shot at it. I was a little nervous, but I did it and here I am. So thank you. Goodbye all. I leave you with one admonition: Think high everybody, but fly low.

Senator Hart's statement is as follows:

Thank you, Mr. Governor, for giving me the permission to sing a song that was written just for me, and it goes something like this:

"Hart of my heart, I love that melody.

Hart of my heart, bring back a memory.

When we were kids from the corner of the street, we were rough and ready guys,
but oh how we could harmonize.

Hart of my heart, when friends were dearer then, too bad we had to part.

I know a tear would glisten if once more I could listen to that gang that sang Hart of my heart.

Hart of my heart, to that gang that sang Hart of my Heart."

Senator McManus' statement is as follows:

“Well, it's over the river and through the woods and it's back to the district I go.
Back to the farm, where I can do no harm but spend my time shoveling snow.
Out of the Senate's soft chair with its pomp and ceremony,
To life on the farm with my kids and my honey.
To not agree in the Senate may be hell,
But if you think that's bad, try my Frau ClaraBelle.
Over 50 years, it's me she's tried to reform, but never had quite time to do it.
Now with me under her feet, I'm sure I will meet life quite changed as I knew it.
Ballroom dancing is first on her list;
Something I've never really missed.
So it's either woe is me or career number three.
As you see, back to work is for me.
Just what I will do to start life anew, her I will need to get to agree.
But I'm really not a twit, so I'll have to admit, I look forward to a life of my honey and me.
We'll travel a bit and don't give a hoot;
Spoil grandkids rotten to boot;
Enjoy every sunrise and sunset;
And farm up a storm you can bet.
Now good luck to you all; life is really a ball.
Remember work is not work if you enjoy it.
For my seatmates who are leaving the nest,
I'm wishing you all the best.
And for those of you coming back,
No challenge, we've seen to it, will you lack.
We'll be standing right behind you, just close enough to fret and stew.
But far enough to forget and have a brew.
All the best to you, the new crew.
Good luck in all you do.”

Senator North's statement is as follows:

It gives me pleasure to follow a couple of my elders, Senator Hart and Senator McManus. This has kind of been my home away from home the last eight years, and I think it's appropriate. It's kind of like an extended family. I certainly enjoyed this opportunity.

When I retired as the bridge administrator ten years ago—I wish I could be back up there if the fare increase goes through and go on commission. When I retired, I retired to become a full-time volunteer. This wasn't even on the radar screen. So I've just kind of taken an eight-year detour.

I've considered it a great privilege to serve with you. I came into this building for the first time 67 years ago when I was 2 years old with my grandfather, whom I was named for and was chief justice of the Michigan Supreme Court at that time. I've had a long affiliation with this building. It's been a great pleasure to serve with you, and I wish you all well in the future.

Senator Koivisto's statement is as follows:

I, too, rise to say goodbye to my colleagues. I do assure you that there's life after the Legislature because I left once before. That was 1986 when I chose not to run, and from '86 to '90, I was out of office. Believe me, when you get out and the pressures go away and you do normal things and deal with just normal people on a regular basis, you'll feel good after you're out for a little while. However, that doesn't make you any less sad for leaving.

As I leave, there are so many people to thank. The first group would be my constituents who overlooked my shortcomings and elected me all these different times from 1980 to now. The next would be my family who stood by me, and finally, my staff: Happy, Linda, Ann, and Ben, who have just been super to work with. Probably the best thing about the entire Legislature is getting to know all kinds of different people from all parts of the state. You're all a special group.

Senator Scott stated that had she been present when the votes were taken on December 11 on the passage of the following bills, she would have voted “yea”:

House Bill No. 5371

House Bill No. 5372

House Bill No. 5984

House Bill No. 5743

House Bill No. 5947
House Bill No. 5999
House Bill No. 5540
House Bill No. 5680
House Bill No. 5728
House Bill No. 5729
House Bill No. 5730
House Bill No. 5049
House Bill No. 6428
House Bill No. 5994
House Bill No. 5995
House Bill No. 5996
House Bill No. 5997
House Bill No. 5998

Senator Gast's statement is as follows:

My remarks are going to be short and snappy and to the point. First of all, I consider all of my colleagues here my friends, and I hope that I will remain being considered their friend. But I want to say that this is a brand new experience for me—25 years in local government and 32 years in state government is 57 years, and I'm 82 years old now. By God, Dick, you and I are going to be farmers after this year. Do you realize that?

The point is that if I have offended any one of my colleagues, any one of my staff who have been wonderful to me—and I wouldn't have been a halfway success without them—if I have offended anyone, I apologize. Even Shirley, who called me a bad name in the Appropriations Committee yesterday, I'll forgive her. But I apologize if I have been rather brash and crusty to you people. That's just the way I am. Damn it, if got a mouthful of it, I'm going to say it. Be that it as it may, you are my friends, and I hope I remain one of yours. It's been a wonderful experience.

Senator Bennett's statement is as follows:

This has been an incredible adventure for the last eight years. It has been undoubtedly the happiest time in my professional career, and I owe such a deep sense of gratitude to my staff and all of the staff that's always here on the Senate floor. You make us look good every day, day in and day out. From the bottom of my heart, I want to say thank you to the staff. Governor, it was an honor being your running mate.

Senator Schuette statement is as follows:

I want to express my thanks for the marvelous opportunity to serve in the Senate with everybody here. I want to thank my constituents who have given me the privilege to serve. When someone votes for you, it's a huge expression of trust, and for that, I'm ever grateful. My family has been ever patient with me. Our kids have kind of grown up while I've been here in the Senate the last eight years. I think that's pretty special.

My staff Team Schuette has been wonderful and have stuck with me, worked hard, and never get enough thanks. I'm very proud to have worked with all my staff and team members.

To the Senators here and the staff who work some incredibly long hours and are thorough and diligent, thank you for your efforts on my behalf. I've made so many friends in this room. I've held a lot of jobs in my pilgrimage in public service. This has been the best. Some I've cut my political teeth with, learned from, and I so much value the relationships on both sides of the aisle and the friendships on both sides of the aisle that I've been privileged and the beneficiary of. Thank you to you all. I'm not going to be very far away. I'll come and visit. Please return my phone calls.

Senator Dingell's statement is as follows:

I was raised by a guy who taught me that service to God and humanity is the best work of life. He also taught me that the highest honor that I could possibly achieve is to be loaned to elective office by the electorate. I've been here for 16 years. People told me in the recent campaign for circuit court that I looked like a kid. Boy, I really looked like a kid when I first got here. It takes one pillow when I play Santa Claus now. It took two pillows to play Santa Claus when I was first elected.

I've worked hard here. I've learned a lot. I've made a lot of friends. I get to leave here and go and do the thing that I always thought I'd end up doing—being a judge. It's been a great experience. I met my wife and had a daughter. Thank you to all of you. Thank you to my constituents.

Senator Smith's statement is as follows:

I grew up in a family of public health professionals. My dad was a doctor of public health; my mother had a master's. They taught us those basics of life—wash your hands, and by all means, don't take any antibiotics unless you're at death's door. They also taught us that public health is more than disease management. Public health is the fabric of a

community. It is the educational, the economic, the social justice fabric, and if one thread is frayed, the fabric is at risk. They taught us that in order to keep that fabric whole and safe, public service was a valuable enterprise. You know, I watched them as they worked as civil rights advocates; as my dad ran at one time and won twice as the mayor of the city of Ann Arbor; and I was appointed to the cablecasting commission, my first venture in any kind of public office; and then ran for the school board. I have served for 18 years in elected office. This service has been the most delightful. I have enjoyed each and every one of my colleagues. We have not always agreed, but boy, have we had fun in our disagreements. I've enjoyed working with the crusty old man who headed the Appropriations Committee and with all of my colleagues on that committee who have been so wonderful.

I was a staff member in the Michigan Senate, and I know who runs the Senate. So I would like to thank the members of the central staff on the Democratic side and on the Republican side of the aisle because you make this work. But I would be remiss if I didn't thank my own personal staff. These people have made me successful. When my constituents had their problems solved, it wasn't because I intervened. It was because I had an outstanding staff who served me well.

My children, of course, were patient and loving and understanding and sometimes trying, but they stuck with me through all of this. But it is my constituency that elected me over and over and over again, that said job well done, keep working. I really thank them for this opportunity to be here, and I thank you all for your public service.

Senator Van Regenmorter's statement is as follows:

I have a legislative motto, and it's taken from a verse in Proverbs—Proverbs 31, verse 8, which says speak up for those who can't speak for themselves. It's kind of a quiet reminder of, I think, why we're here; at least I feel that way. I've learned over the past year serving here in the Senate that every one of my colleagues could easily adopt that motto because everyone here does speak up for those who can't speak for themselves.

I thank God that he took an ordinary person, myself, and gave me an extraordinary opportunity, a part of which is to serve with a group of colleagues unmatched for their integrity and courage. It has been an honor for me to do that. It has been an honor to serve the people of Michigan and my constituency in west Michigan as well.

It's been mentioned before, but I'll mention it again. We all know that this is the kind of job where we need the assistance of staff, and I've been blessed with a wonderful staff in my office and been blessed with a wonderful central staff on both sides of aisle, as I know all of my colleagues would agree. But it's been a great honor to serve in this body, and in leaving it, I know that we have tried our very best to do what we were elected to do, and that's to serve the people of Michigan.

Senator Bullard's statement is as follows:

It's been a great 20 years, and I've enjoyed every minute of it. I had four years in local government before I came here, 14 years in the House, and six years in the Senate. I'm going on to county government so maybe I have a couple years left in me. But there's a number of people I want to thank. First of all, Lieutenant Governor Posthumus, I want to thank you. When I was elected to the Senate, I came over here and one thing I remember very vividly. I sat down with you and you said, "What committees would you like to be on?" And I said, "I'd like to be on the Finance Committee." I'd been on the tax committee in the House. I didn't even ask to be chair; I just wanted to be on the committee. And at that time, you said, "Well, we can't do it right now, but at some future time, I hope to be able to do it." The future time came, and I got on the committee. You are a man of your word. I respect you very greatly, and I wish you well in your future life which is going to be great.

I want to thank Dan DeGrow, Dan's not here. I hope he's working out some things with the Governor. Dan is a man of his word. If the rest of the Republicans would follow his leadership like I have, you all would have probably done better. He's a man of his word and a great leader for us.

I want to thank my staff. My relations with my staff are very important to me. I want to just name my current staff: Kara Moore, my chief of staff for nine years, worked for me in the House and the Senate. She'd be here today except she's in Washington, D.C. She's been an inspiration to me in her hard work, dedication, and loyalty. My other current staff are Marilyn Plummer, Lisa Buxton, Dana Freers, Audrey Robinson, and Sarah Abraham. I'm also proud of a lot of former staff who you all know who have gone on to great success, who have matured: Sarah Hubbard, Rob Elhenicky, Kieran Marion, Cindy Essenmacher, Jason Klonowski, and Kelly Falcsik. It's a great thing to watch a lot of these younger people grow and mature; to go to law school and graduate from law school; it truly is heart warming.

I'm surprised nobody here has thanked their parents. I want to thank my parents. My dad is deceased, but my dad was a great lawyer in Detroit and a great man. I always thought that he was the one who inspired me into politics. In fact, he got me involved in Bob Waldron's campaign back in the 1960s in Grosse Pointe. But I've realized in recent years that my mother is probably my real inspiration. I don't want to scare anybody, but my mother is a Democrat. I love her anyway. But every Sunday, she calls me after watching the interview shows to tell me how the Republicans are really ruining the country and so forth. She's a great person to debate with.

I've enjoyed every minute in the House and the Senate. I'm still enjoying it. I've got some amendments that are being worked on so you're going to hear from me later.

The last group of people I want to thank are my colleagues. I truly respect and admire everyone from this body who has served in this Senate. I've had a few arguments with some of my colleagues lately, but, Valde, I hope they're all on a high plain and civil discussions—I think they were. After I leave here, I'm not going to totally disappear. I'm going to see some of you from time to time. I just want to thank you all for all the help you've given me. I'm really going to enjoy my retirement, which isn't totally retirement, and you're going to see me back here from time to time. I look forward to seeing all of you.

Senator McCotter's statement is as follows:

I'd like to begin by thanking the Senate staff, my own staff, my constituents, and everyone who helped put me here and made sure that I was effective here to some degree. I'd just like to start by pointing out that the Senate is an honorable institution because it is comprised of honorable individuals. That's why my memories of this chamber will be of its members. Each of you has touched my life in your own way. Of my freshman members I came in with, I had the least experience with Lansing. While we were all trying to orient ourselves to the Senate, they took the time to make sure they pulled this straggler right along with them so that I'd have an understanding of how the process worked. My colleagues from next door in Detroit—I'll always remember how they passionately championed the cause of our state's largest city and its often most misunderstood city. My colleagues from Oakland County—it was invaluable the amount of insight that you gave me into the issues affecting that community, and I assure you that insight came in handy earlier this year and will continue to. To my committee members—I'd like to thank Art Miller and Ken DeBeaussaert. I think on local government, we proved you could have a Republican from Wayne County with two minority members from Macomb, and we could have a committee meeting without fist-a-cuffs or profanity. I think that was good, and it's a lesson I'd like to teach my in-laws at Thanksgiving.

I'd like to thank Dianne Byrum, co-chair from Government Operations, always a worthy opponent and always a delight on the committee. And don't be afraid to ask questions. I bark, but I don't bite.

Some of the senior members especially, starting with Loren Bennett. I wouldn't be in the Senate if not for Loren Bennett, and I would never have done anything in the Senate that was good without the help of Loren Bennett and Bill Sullivan. I'd like to thank John Cherry. During the trial, the trying times that was the David Jaye Committee, it was ironic, I thought, that the committee which was established to set a precedent for what a Senator should never be—through John's actions, Alma's, Walt's, Phil, and of course, Don Koivisto—I think they proved what a Senator should always be in the way they conducted themselves. I think I'd like to thank Joel Gougeon for a 100 percent Farm Bureau voting record. I'd like to thank George Hart for proving I'm not the only beatnik musician in the Senate. I'd like to thank Dan DeGrow for being both effective and fair, which is not always an easy thing to do, especially in a legislative body. I'd like to tell Bill Schuette that I will never forget and I will never let you forget that beneath your suave, Brooks Brothers demeanor, there is a rock and roll fanatic who would rather skip a presidential inauguration to attend a Go Go's reunion. I'd like to say something about Joe Schwarz, but he would demand a rebuttal. I'd like to thank Joanne Emmons—in many ways kind of an adoptive parent up here, and I'd like to extend my mother's thank you for keeping an eye on me when she couldn't. You did a relatively good job at that. Chris Dingell—Chris, I'm the son of an elected official, and I know how hard that can be. Should any of my children follow in my footsteps, I hope I feel half as proud of them as your father must feel of you. Burton—we couldn't be any more different. You're Jewish. I'm Catholic. You're from Detroit. I'm from Livonia. You're liberal. I'm sane. But that's why you get all my love on the record. It's precisely because of our differences that make you so special and meaningful in my life, and I thank you so much for that.

Finally, I just want to say, as the Senate's youngest member to the Senate's eldest member, Harry Gast you are a lion to the Legislature, and so long as I live, your name wherever I am will be used as both a virtue and a vice so that people never forget what one person can do throughout the course of a career in public service. You've been a tremendous role model to me, and whatever I do, you will always be a part of that. I thank you from the bottom of my heart for that.

In conclusion, I just want to say it's been observed that today is not the end of the session. It is truly the end of an era. And, yes, all things must pass, but their memory lasts and somehow sacredly, mystically by our remembrance, throughout our own ephemeral existence, these memories are made immortal. Ladies and gentlemen, no Legislature's work is ever finished, but your work here will never be forgotten. God bless you and goodbye.

Senator Cherry's statement is as follows:

As others who have spoken before me, this experience that I've had in serving the Senate for 16 years has been filled with great memories. In fact, they are defining moments in my life. Although I will have the opportunity to remain in the chamber, it's not the same as being one of the voting members. I have gained many friends, and I've had exciting moments. They are memories that will never leave me.

I can say that what I've found so interesting about my experience here is that even though each of us comes here with some unique qualities and make an outstanding contribution in our own individual ways, how much this institution itself is something that is beyond any one of us; how in spite of our moments of difficult debate, in spite of our moments of humor, this institution has guided this state through its existence. It's the process itself that seems to help

us gel together to produce a product that serves all the people of the state. The 16 years I've spent here have done nothing but reinforce my belief in the efficacy of the democratic process and the legislative process and how good people are elected by the people of this state and how they come together and do the public's business in, I believe, an outstanding way.

What is important to me is, as others have noted, this is an historic moment in this body in terms of people leaving, and we will all miss each other and the institution will miss us. But because of the institution's strength, I think we can take some comfort in knowing that it's the process too that impacts, and there will be new people here next year who will be developing new memories and will be making new contributions and, as in the case of us, will move the state forward. That's a comforting thought.

I want to take a moment to thank my constituents for giving me the opportunity to be here for these 16 years to serve them in a special place in the state's history. And again, it's something that not everyone has the opportunity to do, and for me, it's been a meaningful experience. I, too, as others, want to thank my staff for making my job easier, and it really is the staff that makes us able to do the job that we are elected in the Senate here to do.

I do want to take a moment, and it's always dangerous singling people out because I have so many friends in this body, but I do want to take a moment to single out our former Democratic Leader, Art Miller. I know my good colleague, Senator Dingell, and I came to the body in the same year, in the same class, and we both can tell you that Art Miller made it possible for us to serve and make a contribution in this body because Art knew that it was his colleagues and their ability to work together that made this institution great. He encouraged any new member of the caucus to get active and participate and to make a difference, and that's the way Art treated both Chris and me and those of this caucus who followed as new members.

When I think of the state Senate, I think of Art Miller. He spans a number of classes. He's seen, in fact, this institution change. But more importantly, Art Miller has been the reason this body has changed in, I believe, a positive way. It was sometimes difficult when you think back on some of the former members of this caucus and how difficult sometimes they could be. To know the contribution that Art Miller made in changing the face of this caucus is a tribute to him personally. When I think of the state Senate, I will always think of Art Miller. And, Art, I just want to say that the people of Macomb County—I don't know if they realize, although I suspect that they do because they have elected you a number of times—but they really have had a special Senator representing them here in Lansing, and they should know that from those of us who speak here today. I think they know that because they have obviously voted for you. Your colleagues understand that, and that's the most important thing.

I'm glad, quite frankly, that I have the opportunity to return next year. I'll cherish being able to work with some of you in a continued capacity and other new ones. I will never forget the years I served here as a voting member.

Senator Young's statement is as follows:

This has been a fantastic institution for myself, my family, and my friends. It's been important because I've had an opportunity to grow up. I've often said that had my father been a coach, I would have been a "gym brat." But my father happened to have been an elected official, so I guess that makes me a "Capitol brat."

I started here as a janitor and enjoyed that. Quite frankly, I look around and still see a person who I would like to acknowledge who was a janitor with me as well. His name is Bill Bowerman. He happens to be a Senate Fiscal Agency analyst. If you're watching this, Bill, I want everyone to know that sometimes janitors can do more than just pick up trash.

From that, I had an opportunity to work with a lot of people who I considered to be very credible, very respectful, very honest, and very fair—if there's such a thing. I went from there to work for Speaker Bill Ryan, who I had a tremendous amount of respect for; who gave me the appreciation for doing your homework, for looking at details, and making sure the decisions at least attempt to encompass all those involved.

From there, I had an opportunity to work for Representative Alma Stallworth, for which I got into the legislative process and began to appreciate what it takes to actually develop an amendment, and watch it change 20 million times. Then try to figure out whether or not it's actually an amendment you wanted to offer. It was a tremendous experience because it spoke to change in individuals' lives. Change is always taking place, and this process teaches you to appreciate that you're better off to change than to stick with the status quo.

From that, of course, then I had a great experience, and it comes from Senator John Cherry's area. I got an opportunity to work for now Congressman Dale Kildee, who at the time was state Senator Dale Kildee. It gave me an opportunity to learn and appreciate another part of the state; that there just wasn't a Detroit, but there existed a Flint. There existed a Saginaw, an Ann Arbor, a Livonia, a Plymouth, an Upper Peninsula—Hancock, Calumet—and other places. But it taught me to appreciate that all people basically want the same thing that each and every one of us wants to deliver. That is an opportunity to provide for themselves, their families, and their loved ones. That's something I deeply respect in this institution.

Having grown up in the system, I got an opportunity to do a lot more. It did take me to Washington, at which time, I served there under the Carter administration. I began to find out that the national process of 435 members in the House of Representatives was just as crazy as 110 members I served with in the state House of Representatives. Then

looking upon that and working with the United States Senate, it gave me a desire and provided an opportunity for me to serve in this body. The difference I see is a small classroom versus a large classroom. Although there may be more free speech in the House of Representatives, certainly the opportunity to speak one's mind and develop projects for one's constituency is also living and well in this institution.

From that point, then of course, I was able to get elected. The highlight of that is that I got an opportunity to serve with my father for ten years in the Michigan House of Representatives; ten years which, as I reflect on, provided me the opportunity to not only work with him; not only be at family events with him; not only to do projects he had for me once we got back home, but the truth of the matter is that during that ten-year period, 99 percent of my time was spent with my dad. That was something that was a tremendous gift to me and something that I'll always remember and always appreciate. Then my dad came back, and as many of you know, my dad passed in 1993. I had an opportunity to be by his bedside when that took place. So that was another gift that was given to me, which kicked me into running for the Senate because those of you who remember, my dad had run for the Senate and had lost by 80 votes. We were able to win the Senate seat by 1,300 votes.

All of those things speak to the accomplishments not due just to myself, but due to each and everyone who is here. While it appears that there are a lot of ups and downs, I like to refer to the ups. One of the ups that I had is that I had a colleague of mine—he and I used to, as we say, hang out together and enjoy each other's company. Now I'm his Senator. That's Senator Virgil Smith, and he's in the background over there. Virgil, why don't you stand up because you're now my prize constituent.

So those kinds of things happen. Then having known my seatmate here, then-Mayor Martha Scott, before all of that and have an opportunity to be around her family. Now she's my seatmate. So I'm convinced that all good people evolve around good people. It may take us some time to see who those good people are, but I think we all gravitate towards those good people. I thank God for that because if we didn't and we gravitated toward the wrong people, we wouldn't be respected as we are, I believe, in this institution.

I can't get away without thanking some of my staff as well. Thank you, Margarita. She did that on purpose because I knew her as a staff person too, and she's punishing me because I didn't mention her name. So give Margarita a hand, please, so I can continue to talk.

Because of that, I had an opportunity to work with a lot of staff around here and enjoy their company. Quite frankly, it's the staff around here who make us look good. I've had longevity in my office. Most of the people have always stayed ten, eight, nine years or more. So I want to thank Barbara Hughes who was my chief of staff, who is now currently out at Michigan State University—very close to completing her Ph.D. I want to thank her for the 12 years that she provided in my office. I want to thank Dawn Pline, who is currently in my office, who has assumed that chief of staff position, who's working on her master's, and hopefully, will continue to work in the system if she chooses or so desires.

The interns whom I have had, who have come through from high school—whether there or university or not. I have one in my office who was an intern, then she became a page, and now she's actually answering the phones and taking notes and things in my office—Ambrosia Walls. I want to thank them certainly.

Then I have to thank all of those who put up with me during my time. I came here this morning and one of the staff people walked in with me so nice, and I've always had respect for the guy, and he said to me: "You know, Joe, what they told us about you when you were coming over, I want you to know that it wasn't that bad." So it makes me wonder, what was being talked about me? I thought everybody liked me, but now I understand what was taking place.

Seriously, I had an opportunity to grow up in this system; I spent 24 years. When I got here, I was only 27. It's been my life. It's been my family's life. It's been my friend's lives. I'm looking forward to moving on not because I won't miss everyone, but because I firmly believe that the experiences I've received here will help me to do even better things with my future. Those of you who know me, I can't afford to get bored. If I get bored, Senator Cherry's right, I get in trouble. Since I need to stay out of trouble, I've got to be busy.

God bless all of you. I love all of you. It's been a tremendous experience, and thank you for putting up with Joe Young, Jr.

Senator Shugars' statement is as follows:

Life is a journey, and first of all, I want to thank God, and only by the grace of God do I have the opportunity to be here and to serve for 12 years in the Legislature. I want to thank my mom and dad. Many of you have had an opportunity to meet them. Two years ago, my mom was diagnosed with lung cancer and had a 35 percent chance to live six months. She was in hospice with Dr. Tom George, now Representative and Senator-elect. Through all the prayers and God's will, she is still alive. That's been two years and it's remarkable. Each day is a gift.

I want to thank my wife and my daughter for letting me run and serve as a Senator. I want to thank all of my colleagues whom I've served with over time—the House members and the Senators. My staff members: Bea Raymond, Charlene McCallum, Jennifer Hoff, Vera Ramos, Tricia McCallum, Scott Kellogg, Tim Goodrich, Mark Michaelsen, Jerry Vander Roest, and Adrian Cassell. I just want to thank you for making me look good at times when it was difficult.

To the Senators, I want to apologize if I ever hurt any of you. I ask for your forgiveness. At the same time, if anyone has hurt me, I have forgiven you. Yes, Senator Schwarz, I've forgiven you. I hope you will forgive me too—he's not on the floor right now. He's a wonderful man, and we've had our debates and challenges, and I think we are both better people for serving together.

Leadership is service to others, and it's giving to others. John Fetzer is from my area. He's the owner of the Tigers, and he started the Fetzer Institute. He believes that the love from within is to go out—the outer light. And I believe that this institution has demonstrated what he believes what this world needs and that's more love.

I want to thank Dick Posthumus when you were the Majority Leader, and I served with you. You're a man of principle and honor, and I truly appreciate every time we got in a discussion in your office and we start talking a little bit about politics, you'd say, "Forget the politics; I want policy." I appreciate the leadership you've given us, and it's been a great experience.

To Dan DeGrow, Dan, you, too, I appreciate helping me get a job, but besides that, I really appreciate your leadership and being with me when things were tough politically back home. I think Dan DeGrow has been at the top of his game the last four years. He has done a wonderful job for the state of Michigan.

I want to close with a couple of things and then a story. First of all, you all remember that I had an opportunity to go with Fred Hall to a Marilyn Manson concert and learn the finer parts of music. That was an experience. There's been a lot of wonderful experiences I've had. That was not wonderful; that was actually quite terrible.

I want to close with a story because I believe this is true for each one of us. The story goes: This little boy is beside his bed one night and he's praying to God, and finally he says, "Dear God, how long is a million years?" God's voice comes back to the little boy and says, "A million years to you, my son, is like one second is to me." And the little boy keeps praying, and a little bit later he says, "Dear God, how much is a million dollars to You?" And God's voice comes back and says, "A million dollars to you, my son, is like one cent is to me." The boy is still praying, and a little bit later he says, "Dear God, could You please give me a million dollars?" And God's voice comes back and he says, "Can you wait a second?" If you didn't get that, I'll explain it after session. Do I need a flow chart? But in any case, the moral of the story is that we will all get what we want, but it will be on God's time rather than on our time.

So I want to thank you for letting me serve with you. I apologize for the things that I have done if I've hurt you. I ask for your forgiveness, and I truly do love each and every one of you.

Senator Dunaskiss' statement is as follows:

First of all, maybe I should start off with a question: Was the Manson concert interesting because of Fred Hall or the performers?

As I'm coming to a close on this chapter in my life and starting to look forward to writing a new one, I begin to think back about so many different experiences. It has been a wonderful life. It has been an opportunity, as Senator Young said, to grow up here in the Senate. Perhaps in this case, it took me a little longer than some others. Most of all, I really enjoy thinking back about having the opportunity to be part of Michigan's history. I think back about the relationships—the human relationships of all the people in this room, Republicans and Democrats, around and throughout the entire halls. And I thank my constituents and my family for giving me the opportunity to be here to serve and to be with you. And most of all, I'd like to thank each and every one of you for your prayers for me. They do work, and I thank you very, very much. I will miss you all.

Senator DeGrow's statement is as follows:

This snuck up on me a little quick—this week's been so busy—but I guess the time is finally near the end. First, I don't think it's been done, but I would like to have all the staff for all the Senators, the Senate Fiscal Agency, communications, policy, LSB, Secretary of the Senate—if all those people who are here could just stand up, I want to thank you for all the help you've been. When I was applying for a job, this is the first time in my life I've actually done that. I'm as bad as Engler. For the first time, I'm going through a process. I found out we have 537 employees in the Senate. I was amazed. There are a whole lot of people who are helping us to get our job done, and I just want to say thank you to all of them. You guys have been great for the last four years—actually for the last 20 years I've been here.

Second, to all of you leaving, it's been talked about how much time we have in here, but for the people who are leaving, in my caucus alone, the years in government at the state level and local level is 335. That's a long time. And Harry, he does have 57 years in government. It's obviously longer than I've been alive. We have people who have served the great people of this state for a long time, and they have served them well. The people chose term limits, and I respect their decision. They're the same people who elected me. But sometimes I think they might have erred a little bit, and I think it is a shame that we're all leaving at once because there are a lot of you, I think, who if you could have stayed would have continued to do a good job. For me it's time to go no matter what, but for some of you, I think it would have been nice if you could have stayed.

All of you, on both sides of the aisle, have been great to me for four years, and I want to thank John and Bob in particular. We've had an interesting four years, and there have been times we've disagreed, but I can say this: In the four years I've been leader—your leader and floor leader—I have always tried to put forth what's best for the state of Michigan. And every time they've made a commitment to me, they've kept it. And we've gone through a few tough

times, but we've always come through them. We couldn't do it without them and whatever else people say about partisan politics, I think my relationship with those two has been to the benefit of the state. And for people who say that all we do is fight and try to get a partisan edge—there's a lot of things I can't go into, but I can assure you there have been many, many times that both of them have put aside partisan politics to make my job easier, and they didn't have to do it. And I thank you.

And finally, again, for all the members, thank you; you've all been great. To my staff: Thank you. Joanne, thank you for the floor leader job; you've been great. I will miss this place. I'll probably start crying now actually, but it is time to go, and I'm glad I did it.

Senator Stille's statement is as follows:

Dan, I hope that's not a bad omen because I usually choke up real quick. So, hopefully, it won't affect me. I'm just old enough to think that it's okay to reminisce. I, too, am a grandpa, so I like to reminisce with those grandkids and tell them how great I used to be.

Fifty years ago, I, too, was just a 10- or 12-year-old kid back on the farm driving an International A tractor, cultivating corn and spending my summers basically in the corn field and in the hay field thrashing grain. Believe it or not, we had a thrashing machine. I remember that was in the time that Dwight Eisenhower was President of the nation, and I literally can vividly remember driving that damned International A tractor back and forth. It's a one-row cultivator, and it took forever to cultivate 10 acres of corn. Those of you who grew up on a farm can appreciate that. And it was day after day after day out there, and I would reminisce to myself and think, I wonder what it's like to be Dwight Eisenhower, and I wonder what it's like to be the President of the United States. I wonder what it's like to be in public office and on and on. It's the time in my life when I perfected my whistle because that was the only thing you could practice when you were out there in the field was whistling up and down the field.

And some of the fondest memories I have of those days—and again those of you who grew up on a farm can appreciate a hard-working farm wife. I remember shocking grain with my mother. Mom and I would, honest to God, shock 10 acres of oats in one day—the two of us. And for those of you who don't understand shocking grain, that is an incredible task. And my mom was a worker and just amazing.

Now I go out with my—I bought a team of horses three years ago. I have a team of Belgian horses out of the memories of my grandfather. At 4 years old I remember driving his team of blacks up into the barn with a load of hay on it. I wasn't driving; my grandfather was talking to the horses from behind me while I held the reins. But those are the memories that I have as a kid growing up in the middle of Ottawa County on a poor man's farm.

Forty years ago, I was the first in my family to get a college degree on either side of my family and became a teacher. I was a hero. There are three in my extended family who have gotten college degrees since me. I hope there are many more. Well, I shouldn't say that. Now all of my kids have degrees and many of my cousins' kids do. I just point that out to point out that all of us come from such varied backgrounds, and mine was a very simple one as a farm kid growing up enjoying the pleasures of the sunshine and pitching manure and feeding cows and all those pleasures of growing up on a farm.

The next two decades after that, I was basically involved in business and involved with local politics—17 years in my community as mayor or on the council. Ten years ago, I was fortunate enough to be elected to the Legislature. I served one term in the House and now two terms here in the Senate. I have to say I feel like Lou Gehrig. I feel like the luckiest guy on the face of the earth. Just a few years ago when George Bush was running for President, many of us took a trip and went down. And from dreaming about being Dwight Eisenhower to being in George Bush's house in Austin, Texas, is a giant leap.

And today I stand here saying goodbye to all of you feeling like the luckiest guy in the state of Michigan. I'll miss it. I'll miss the good friendships that have been developed here. I'll miss the tremendous staff that I've been fortunate enough to work with and those who have worked for me. And I'll continue to work on my passion; that is, trying to help the autistic. Today on that same farm, my 8-year-old grandson who is autistic runs around in his bare feet in the snow, has a hard time communicating, and I'm going to do everything I can to help the autistic and to find the reasons for it. Thanks for putting up with me.

Senator Garcia's statement is as follows:

I just want to get up and thank my colleagues who are leaving. I just want to say it's been an honor and a privilege to work with each and every one of you. I first started here in 1990 as a staff member, and to be here serving with many of you is a personal honor for me. I am awed by the accomplishments and your dedication to the state. Each and every one of you have served your district and your constituents well. I just want to say thank you for your service. I have tried to learn from you, and I appreciate all that you've done for me and for the state Michigan. Thank you very much.

Senator Miller's statement is as follows:

It's tough to say goodbye. But, like I told my wife, it's not really goodbye; it's just the start of a new chapter. Twenty-six years ago, I walked in this chamber on a Monday night, and I took a look around and I saw some people, and I said to myself, "Do I really belong here?" At first I was a little nervous. When you look at statesmen like Charlie Zollar who

was here before that crusty chairman of the Appropriations Committee—he was still in the House. Maybe he was still driving his tractor. I looked at him, and I looked at the gentleman from Ann Arbor who was sitting where Burton Leland was, Senator Bursley. Then I had Jack Welborn, Billy Fitzgerald, and Jack Faxon—some really, really great people.

In the first caucus I went to I thought to myself, really, maybe I should go back home to Warren. That was the start of WWF wrestling—that first caucus with Basil Brown, Dave Holmes, Dave Plawecki, and Tom Guastello—I said, “Wow.”

I remember yesterday talking with Governor John Engler. He used to sit right where my good friend from Macomb County does. I remembered his battles here.

I remember meeting you for the first time. I walked in this building back in 1982 with the Governor himself, and you were a great young man then. You’re a better mature man now. I got to know you, and I got to know a lot of great people here.

I was looking in the Gallery, and I see one of the first people I met here when I came here on that cold April night—Pat McCollough—used to sit right down here. He would have been a great Governor. I had a lot of beautiful memories.

The first time I met this young whippersnapper Congressman, I thought he knew everything there was. At that time, we used to have a great relationship with the House. Sid Ouwinga, who was a great state Representative, used to try and bring all the elected officials from Michigan together and have a day in Cadillac. I got to meet a lot of people there. I remember back in 1988 this guy just flew in from Washington. I think he had his limo drive him over to the hill. He wasn’t married then, and he just was the young, top Congressman in Washington—Bill Schuette. He was a hell of a skier. I didn’t know if he did anything at work in Washington, but he was good skier. He won the legislative prize over there, and then he jumped back in his private jet and flew off to Washington. Now he’s got a little humility, and I hope he keeps it—doesn’t get there with all those cardinals on the bench.

It gave me an opportunity as a young man to come here from Macomb County and get to meet a lot of great people. Everybody really made me look good because I had a great staff. Starting from the first woman I had as my secretary, Margaret Long; my last one, Connie Platte. In between, we had some great people who kept me on the right course, Sarah Dow-Garcia. How could I ever forget the woman who was with me for 20 years in my office. She used to tell me things I always did wrong, Ann Miller. I used to have to always tell people she was not related.

When I first came here, it was an all boys club. There were no women in the Senate. That changed back in 1982 when a woman from Ann Arbor, Lana Pollack, came, and a woman from northern Michigan by the name of Connie Binsfeld came. I think it opened up a great opportunity for the women here in the Senate to really show that they’re much smarter than most of the men in this arena. That comes from having a really great mom who raised six kids after my dad died.

I had a lot of great friends. Besides those people who worked in my office that I mentioned, I was blessed with two other great people. One’s your Assistant Secretary of the Senate, Pam Nyquist. The other one was with me the first day I announced for this job, and he’s been with me for 26 years—Jerry Gill. They’ve really helped me be a better Senator, a better family person, and a better individual.

To my good friend and leader, John Cherry. I do remember that day in 1986 he walked in, and he had dog hair all over his pants. Somebody told me he was a great trainer of these English spaniels. I thought to myself that this young guy from Flint—because Flint and Genesee County sent a lot of great people, Bobbie Crim, Gary Corbin, and John Cherry followed in their footsteps. I’ll tell you in the last 16 years, we got to be not only colleagues, but we got to be friends.

I consider everyone here in this body not as a colleague, but as a great friend. Some of the early people I had the privilege to meet and work with, used to be my roommate, Bill Jowett. He was a great, great state Representative from Port Huron. He was my roommate. He is still conservative today as he was back then. He used to always make sure I paid my fair share of the rent. He was a great guy, and his wife Jeannie is a great, great woman. She’s got her own personal battles now, but I know between the two of them, they’re going to whip anything.

I also remember the great staff. The people who worked here, the sergeants. I’ll never forget the fine woman who worked here, Alberta Ogletree, was a great sergeant. She became a great friend. She always came by to talk to you in moments of crisis or conflict and tried to help you out. I know all the sergeants here do.

I know all the staff who work in this building are very, very concerned about the well-being of us. They really make all of us look great. I worked with so many great people here. I had the privilege to have their confidence to elect me leader. The one person I wished you would have had the chance to meet, I know Harry Gast remembers him, he was a great, great guy. He’s still my friend. The guy never had a formal education, but he handled the higher education budget—Bill Huffman. Bill helped me and showed me so many different things. He was the big dog here back in the ’70s, and he was chairman of the Appropriations Committee and chairman of higher ed. At that time, we used to have offices here in the building, and I used to have my office above Bill’s office. I was just a freshman. When you’re the main guy like Harry, you’ve got everyone knocking on your door. I used to hang around just to see who all the people were coming in to pay homage. Bill used to always let me go to dinner with him and all the lobbyists and get to know all these big people. I remember this one night we went to dinner. I’ll just tell you this one story. Me and Bill Huffman and Dominic Jacobetti, who was chairman of the House Appropriations Committee, the Godfather of the House, great guy. I remember I was just a freshman, and I got up to use the men’s room, and the chairman of the House

Appropriations Committee said to me, “Senator, you might be a Senator”—at that time my office was right across from his office—he said, “You might be a Senator, but I’m gonna tell you something. I run the House, and you can’t come and use my office bathroom anymore. You tell that Senator Bill Huffman that from now on when he uses my bathroom, he better flush the toilet.” Now mind you, this is in front of one of the chairman’s entourage, and I thought, “Wow, how am I ever gonna last in this business talking with people like that?” We got to be great friends, and Dominic Jacobetti was a great man and helped me a lot. I got to meet so many people from all walks of life: farmers, industrialists, urban people—I respect all of you. The great stories we had at those prayer breakfasts, and got to know all the members here.

I want to say that I’ve worked with five Lieutenant Governors starting out with Jim Damon and Martha Griffiths and Jim Brickley. Martha Griffiths told me one time that if I didn’t sit down, she was going to call my mother. She and my mother did things back in the ’50s and ’60s, so I better listen to her. Then I had Connie Binsfeld, a great woman, great leader. And now we have you, Lieutenant Governor, and I want to tell everyone here that I’m proud to say that you’ve been a great leader and a great friend. And when we were leaders, we shared a lot of confidential memos to try and make this a better place for all the members and all the employees. Dick Posthumus is a man of his word, and he was the majority and had a big majority, but he always had time to listen to my problems and listen to the problems of my caucus. I respect that, Governor. I respect your friendship. I’ll remember all the fond memories and all the great people I served with in this establishment, and I hope that all of you have a great, healthy future. God bless all of you.

Senator DeBeaussaert’s statement is as follows:

This is a unique moment. It’s hard to think of a time when members have listened with such rapt attention; when you can speak without the clock stopping at five minutes and you can continue to speak without interruption. For a member of the minority, it doesn’t get much better than this.

I have waited this long because it’s always hard to say goodbye. I rise now not so much to say goodbye, but because I need to say thank you to so many people who have made this such an incredible experience not just in the Senate, but my time in the House as well. I don’t think it’s a coincidence that so many people have mentioned staff. We all recognize people who have been here for any length of time, what a great important job that the staff people do in making our work a better product, making us look better and just doing the things that are necessary to keep this system in place running on time and efficiently. I speak not just of the Secretary of the Senate staff, but the Senate Fiscal Agency staff, Legislative Service Bureau, our central staff people on both sides, and certainly our Democratic staff. I can’t speak highly enough for the great work product that they produce. I’d like especially to thank the people in my own office: Marg Schulte, who worked for me for a combination of 14 years in the House and the Senate, and Ric Martin and Jennifer Smith, who have been there for about six years now. They all produce so much with little notice quite often, and we all appreciate, and I certainly appreciate what they have done on my behalf.

I also want to mention we have talked about a lot of people, but we haven’t talked much about the people who lurk out in the hallways, who get a lot of bad press, but there are some people who have done a great job, a great service providing us information. I’ll just pick one—somebody from my area, Joe Hollis, who has been here about as long as I have representing the Macomb Intermediate School District—the school districts in my county providing us information to help us better serve the people who we’ve been sent here to represent. Joe, I think, is one of those great examples of people who can lobby, present good information, and make this a better state for all of us.

A special word of thanks to all of you, the members who I’ve served with here in the Senate and those of you who I have served with previously in the House, who have given me such incredible memories over these past 18 years who I’ve had the privilege of serving with; my family, as well, for the many sacrifices that they’ve made. But a special final thanks to the constituents who have given me this rare privilege, this rare opportunity, one that I will never forget. Thank you and God bless all of you.

The President of the Senate made a statement and requested that it be printed in the Journal.

The motion prevailed.

Lieutenant Governor Posthumus’ statement is as follows:

All good things come to an end and after 16 years here in the Senate, eight years as Senate Majority Leader and the last four as the Lieutenant Governor, this is where, like many of you, I leave.

I leave with a fond heart, not a heaviness, but of fond memories of what happened here over the last 16 years, 20 years. I know that there are a lot of people to thank. And I, too, would like to thank them because I wouldn’t have been here without them—my parents in particular. They’re the ones who taught me my faith in God, that your word ought to be your bond, that integrity means a lot, and I hope that was part of how I was able to lead. I want to thank my wife Pam and my kids. It is tough, as all of you with families know. Sometimes your families have to live in a window that everybody looks in. They don’t choose that necessarily, where you do, and they’ve been great. They’ve put up with a lot, and I certainly want to thank them.

Over the years, all of the staff who have made me look good—and that was tough sometimes—I want to thank them. When I came here in 1982, I came here with all kinds of idealistic goals and all kinds of ideas of what it should look like. You know, sometimes after a while, we hear people on the outside get cynical. But you know what? In those 20 years,

I've seen those ideas, by Democrats and Republicans, actually come true. This is the place where ideas turn into reality. And it's because of you, members like you, who have been willing to serve differing on all kinds of issues, still yet coming to a conclusion to make a difference.

I remember one of the first things I did when I came in 1982. I was sitting over there someplace next to a guy by the name of Gary Corbin. Gary Corbin was the Majority Floor Leader, Democrat from Genesee County. He and I couldn't have been more different, and those first few months I almost hated the guy. I thought, "How could he think like that?" Then pretty soon I learned to understand why he thought like he did, and we became good friends and are still friends to this day.

It's those kinds of differences that make this body what it is. I was asked—I think maybe it was in an interview for outgoing members—what I thought about the future of this body. I'm very optimistic about it. This has been here since 1837, and it's seen tough times, a lot tougher. Times are going to be tough in the next four years, but it's seen a lot tougher times. It's seen good times. But because of good people, it's always survived and always made a difference. It's a wonderful opportunity.

I, too, hope that in those years that I served I hope that if I've offended anybody, I apologize for that. Dan DeGrow, there's been a lot reported about you and I having personal disagreements. I apologize publicly for anything I might have done, and I hope that you find it in your heart to forgive me just as any others here who I might have offended because in the end, this body is bigger than any one of us. This body is about the people of this state, and because of the people who are elected to serve, it makes it a body that is very honorable to be part of.

As many of us leave, I don't think it should be a sad day, but we have to understand that as the Lord closes one door, there's another one open for us. I'm sure knowing that every one of you, every one of you who are here, that there is a great door that is going to be open to each and every one of you. Thank you and God bless you.

Senator Leland's statement is as follows:

I've been here a long time, and I'm hearing these stories today. I could go on ad nauseam, but I'm not going to. I'm just going to be a couple of minutes. I can tell you a lot of stories about so many of you folks who I've served with over the years, and I've got to tell there is a tremendous amount of sadness in my heart today. I feel like I want to walk out the door with you. I feel like we should all just go out together.

Dick, I do want to say one thing about you, and then I'm going to sit down. Clearly, you have been my favorite Lieutenant Governor who I've served under in 22 years. There has been five of them. I want to tell a quick story about you and a couple of experiences I've had with you recently. First of all, I remember going back 22 years ago meeting you. I walked in the office with a couple of friends of mine, Saul and Andy Anuzis, and of course, my dear departed friend Tom Laughton; I had an opportunity to meet you, and I knew you were just a spectacular human being.

More recently, there were two issues I want to tell the members about. I had a tragedy in my district about a year ago, maybe one year and a half or two years ago. It was about a family who burned up in a fire. I was getting some contributions for the family and went to you and you were very supportive and generous and wrote a check to help pay for the funeral expenses. There are a lot of stories we can tell about people that never get out, but I want to tell just one more thing about you, Dick.

We have an organization in my district called Blight Busters, and they are a marvelous organization. They really give God's work. They clean up, they rehab, they're kind of like the Habitat for Humanity. We were having a problem with our Governor getting some property released so we could get the title to a nonprofit organization in a very clandestine way. We brought you down there. I really didn't want you to get political credit for this. In fact, I told you, "Dick, I'm going to disallow my relationship with you if this ever gets out." But it was a wonderful thing that you did. You helped Blight Busters get the transfer of some property so they could go ahead and do the kinds of things that they do so well, and you never took credit for that. You just went down there. It was sort of like it was good public policy, and I'm going to take care of it. I don't know if you got any votes on that or not, but you did God's work. I just think you are a spectacular person, and I just wanted to thank you. I just love you so much.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 1436, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22235, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22203, 333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22235, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, sections 22211, 22230, 22235, and 22255 as added by 1988 PA 332, and section 22226 as added by 1988 PA 331, and by adding section 22231a; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Ehardt, Rick Johnson and Thomas as conferees to join with Senators Schwarz, DeGrow and Emerson.

The bill was referred to the Conference Committee.

House Bill No. 5705, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2002 and the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Shulman, Rick Johnson and Frank as conferees to join with Senators Gast, DeGrow and Smith.

The message was referred to the Secretary for record.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 4:23 p.m.

5:45 p.m.

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

During the recess, Senator Steil entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons 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:

House Bill No. 5978

House Bill No. 6337

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

Senator Emmons moved that the following bills be removed from the table:

House Bill No. 5583, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as added by 1996 PA 285.

House Bill No. 5584, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator North 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 bills:

House Bill No. 5977, entitled

A bill to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

House Bill No. 5978, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," (MCL 801.1 to 801.27) by adding section 4b.

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

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

House Bill No. 6337, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 5b, 5c, 5d, 5f, 5j, 5l, and 5o (MCL 28.425b, 28.425c, 28.425d, 28.425f, 28.425j, 28.425l, and 28.425o), as added by 2000 PA 381.

Substitute (S-1).

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

1. Amend page 4, line 27, after "SESSION." by inserting "MEDICAL RECORDS AND PERSONAL IDENTIFYING".
2. Amend page 5, line 18, after "session." by inserting "MEDICAL RECORDS AND PERSONAL IDENTIFYING".
3. Amend page 10, line 17, after "Section" by striking out "625(1)" and inserting "625".
4. Amend page 10, following line 19, by inserting:
 "(iii) SECTION 625M OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625M PUNISHABLE UNDER SUBSECTION (4) OF THAT SECTION (DRUNK DRIVING, COMMERCIAL VEHICLE)." and renumbering the remaining subparagraphs.
5. Amend page 10, following line 24, by inserting:
 "(vi) SECTION 185 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.185 (OPERATING AIRCRAFT WITH ALCOHOL WITH PRIOR CONVICTION)." and renumbering the remaining subparagraphs.
6. Amend page 11, following line 4, by inserting:
 "(ix) SECTION 80134 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80134, PUNISHABLE UNDER SUBSECTION (5) OR (6) OF THAT SECTION (OPERATING ORV UNDER THE INFLUENCE, SECOND OR SUBSEQUENT OFFENSE)."
 (x) SECTION 82127 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82127 (OPERATING A SNOWMOBILE UNDER THE INFLUENCE WITH PRIOR CONVICTION), PUNISHABLE UNDER SECTION 82128(1)(B) OR (C) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82128."
7. Amend page 11, line 6, after "324.80176" by striking out the balance of the sentence and inserting a comma and "AND PUNISHABLE UNDER SECTION 80177(1)(B) (OPERATING VESSEL UNDER THE INFLUENCE, SECOND OR SUBSEQUENT OFFENSE)." and renumbering the remaining subparagraphs.
8. Amend page 11, following line 9, by inserting:
 "(xiii) SECTION 353 OF THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.353 (OPERATING LOCOMOTIVE UNDER THE INFLUENCE), PUNISHABLE UNDER SUBSECTION (4) OF THAT SECTION." and renumbering the remaining subparagraphs.
9. Amend page 14, line 16, after "to" by striking out "(xl)" and inserting "(xlv)".
10. Amend page 14, line 22, after "APPLICATION" by inserting "UNLESS THE MISDEMEANOR VIOLATION IS LISTED UNDER SUBDIVISION (H)".
11. Amend page 15, line 6, after "257.625M" by inserting a comma and "PUNISHABLE UNDER SUBSECTION (3) OF THAT SECTION."
12. Amend page 15, following line 16, by inserting:
 "(ix) SECTION 82127 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82127 (OPERATING A SNOWMOBILE UNDER THE INFLUENCE)." and renumbering the remaining subparagraphs.
13. Amend page 15, line 17, by striking out all of subparagraph (x) and renumbering the remaining subparagraphs.
14. Amend page 15, following line 21, by inserting:
 "(xi) SECTION 353 OF THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.353 (OPERATING LOCOMOTIVE UNDER THE INFLUENCE), PUNISHABLE UNDER SUBSECTION (3) OF THAT SECTION."
 (xxv) SECTION 167 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167 (DISORDERLY PERSON)." and renumbering the remaining subparagraphs.

15. Amend page 16, following line 18, by inserting:

“(xxiv) A VIOLATION OF A LAW OF THE UNITED STATES, ANOTHER STATE, OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (xxii).”

16. Amend page 19, line 16, after “SHERIFF” by inserting “OR A LOCAL POLICE AGENCY”.

17. Amend page 19, line 17, after “SHERIFF” by inserting “OR LOCAL POLICE AGENCY”.

18. Amend page 20, line 1, after “DEPARTMENT” by inserting “OR LOCAL POLICE AGENCY AS APPROPRIATE”.

19. Amend page 30, line 24, after “BUSINESS.” by inserting “THE MICHIGAN LIQUOR CONTROL COMMISSION SHALL DEVELOP AND MAKE AVAILABLE TO HOLDERS OF LICENSES UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, AN APPROPRIATE SIGN STATING THAT “THIS ESTABLISHMENT PROHIBITS PATRONS FROM CARRYING CONCEALED WEAPONS”. THE OWNER OR OPERATOR OF AN ESTABLISHMENT LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, MAY, BUT SHALL NOT BE REQUIRED TO, POST THE SIGN DEVELOPED UNDER THIS SUBDIVISION.”

20. Amend page 30, line 24, after “SUBDIVISION.” by inserting “A RECORD MADE AVAILABLE BY AN ESTABLISHMENT LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, NECESSARY TO ENFORCE THIS SUBDIVISION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.”

21. Amend page 31, line 12, by striking out all of subdivision (I).

22. Amend page 32, line 19, by striking out all of subparagraph (vi).

23. Amend page 32, line 20, after “(5)” by striking out the balance of the subsection and inserting “AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION OR GUILTY OF A CRIME AS FOLLOWS:

(A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE INDIVIDUAL IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$500.00. THE COURT SHALL ORDER THE INDIVIDUAL’S LICENSE TO CARRY A CONCEALED PISTOL SUSPENDED FOR 6 MONTHS.

(B) FOR A SECOND VIOLATION, THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00. THE COURT SHALL ORDER THE INDIVIDUAL’S LICENSE TO CARRY A CONCEALED PISTOL REVOKED.

(C) FOR A THIRD OR SUBSEQUENT VIOLATION, THE INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH. THE COURT SHALL ORDER THE INDIVIDUAL’S LICENSE TO CARRY A CONCEALED PISTOL REVOKED.”

24. Amend page 33, following line 12, by inserting:

“Sec. 12a. The requirements of this act for obtaining a license to carry a concealed pistol do not apply to any of the following:

(a) A peace officer of a duly authorized police agency of the United States or of this state or a political subdivision of this state, who is regularly employed and paid by the United States or this state or a subdivision of this state, except a township constable.

(b) A constable who is trained and certified under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, while engaged in his or her official duties or going to or coming from his or her official duties, and who is regularly employed and paid by a political subdivision of this state.

(c) A person regularly employed by the department of corrections and authorized in writing by the director of the department of corrections to carry a concealed pistol during the performance of his or her duties or while going to or returning from his or her duties.

(d) A member of the United States army, air force, navy, or marine corps while carrying a concealed pistol in the line of duty.

(e) A member of the national guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while going to or returning from his or her place of assembly or practice or while carrying a concealed pistol for purposes of that military organization.

(f) A resident of another state who is licensed by that state to carry a concealed pistol.

(g) The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms.

(h) A person while carrying a pistol unloaded in a wrapper or container in the trunk of his or her vehicle or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from 1 place of abode or business to another place of abode or business.

(I) A PEACE OFFICER OR LAW ENFORCEMENT OFFICER FROM CANADA.”.

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

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

House Bill No. 5583, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1285a (MCL 380.1285a), as added by 1996 PA 285.

Substitute (S-2).

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

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

House Bill No. 5584, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

Substitute (S-3).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Emmons 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 at the head of the Third Reading of Bills calendar:

House Bill No. 6337

House Bill No. 5977

House Bill No. 5978

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

The following bill was read a third time:

House Bill No. 6337, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 5b, 5c, 5d, 5f, 5j, 5l, and 5o (MCL 28.425b, 28.425c, 28.425d, 28.425f, 28.425j, 28.425l, and 28.425o), as added by 2000 PA 381.

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. 1029

Yeas—30

Bennett	Emerson	Leland	Schuette
Bullard	Emmons	McCotter	Schwarz
Byrum	Garcia	McManus	Shugars
Cherry	Gast	Miller	Sikkema
DeBeaussaert	Goschka	North	Steil
DeGrow	Hammerstrom	Peters	Stille
Dingell	Hoffman	Sanborn	Van Regenmorter
Dunaskiss	Koivisto		

Nays—3

Johnson

Scott

Smith

Excused—2

Murphy

Vaughn

Not Voting—3

Gougeon

Hart

Young

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 Dingell offered to amend the title to read as follows:

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 1, 5b, 5c, 5d, 5f, 5j, 5l, 5o, and 12a (MCL 28.421, 28.425b, 28.425c, 28.425d, 28.425f, 28.425j, 28.425l, 28.425o, and 28.432a), sections 1, 5b, 5d, 5f, 5j, and 5o as added and section 12a as amended by 2000 PA 381.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Emmons moved that Senator Gougeon be excused from the balance of today’s session. The motion prevailed.

Protests

Senators Smith, Johnson and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 6337.

Senator Smith’s statement, in which Senators Johnson and Scott concurred, is as follows:

I voted “no” on the last bill. I have worked during the course of campaigns with retired police officers and with the volunteer police staff, and I had agreed that I would support the extension of the CCW provision exemptions to them. But this bill, as we anticipated, was junked up with a whole lot of other issues. To use a technical term, it was junked up with a whole lot of other issues, and I had to vote “no.” I think we made some improvements with access to information, but we, once again, have overstepped and overreached, and I voted “no.”

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

The motion prevailed.

Senator Hoffman’s statement, in which Senator Sanborn concurred, is as follows:

Concerning the previous bill, I think that one of the reasons this change was necessary—and let me use a particular

example—the people who have these CCWs are not raging maniacs. They are your next door neighbors, and they are law-abiding citizens. Not one of the people who have a concealed weapons permit in Michigan is a convicted felon. You can't say that about too many groups of people. I can tell you this, if there was a crime going down, I would want to be near one of these people to protect me. I happen to have a concealed weapons permit. I've had one for 20 years. These people are so law-abiding that rather than take a concealed weapon into a restaurant, they would not carry the gun in. What they did was come to us and ask if we could change the law. Criminals never bother to have any respect for the law, and so they just do their normal lawbreaking stuff.

What we've done here is we've helped the law-abiding citizens to continue to be law-abiding and responsible. I really want to applaud the members of this body for their strong support of this bill and particularly that of Senator Van Regenmorter for his leadership in committee and on the floor today.

The following bill was read a third time:

House Bill No. 5977, entitled

A bill to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

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. 1030

Yeas—33

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0

Excused—3

Gougeon	Murphy	Vaughn
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Not Voting—2

Hart	Young
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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. The Senate agreed to the title of the bill.

Senator Emerson moved that Senators Young and Hart be excused from the balance of today's session. The motion prevailed.

The following bill was read a third time:

House Bill No. 5978, entitled

A bill to amend 1846 RS 171, entitled “Of county jails and the regulation thereof,” (MCL 801.1 to 801.27) by adding section 4b.

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. 1031

Yeas—31

Bennett	Emerson	Leland	Scott
Bullard	Emmons	McCotter	Shugars
Byrum	Garcia	Miller	Sikkema
Cherry	Gast	North	Smith
DeBeaussaert	Goschka	Peters	Steil
DeGrow	Hammerstrom	Sanborn	Stille
Dingell	Johnson	Schuette	Van Regenmorter
Dunaskiss	Koivisto	Schwarz	

Nays—0

Excused—5

Gougeon	Murphy	Vaughn	Young
Hart			

Not Voting—2

Hoffman	McManus
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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.

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 719, entitled

A bill to amend 1978 PA 389, entitled “An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the family independence agency,” (MCL 400.1501 to 400.1511) by adding section 11.

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 1978 PA 389, entitled “An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and

services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; to prescribe powers and duties of the family independence agency; to prescribe immunities and liabilities of certain persons and officials; and to prescribe penalties for violations of this act," by amending section 11 (MCL 400.1511), as added by 2001 PA 192.

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

Senator Emmons 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. 1032

Yeas—33

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0

Excused—5

Gougeon	Murphy	Vaughn	Young
Hart			

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.

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. 914, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 35, 41, 57a, 58, 62, 63, 64, 66, 67, 70, 73, 73a, 73b, 75, 83, 85, 86, 87, 88, 90, 95, 96, 97, 98, 98a, 99, 101, 102, 103, 105, 113, 121, 122, 127b, 130, 135, 138, 139, and 144 (MCL 211.35, 211.41, 211.57a, 211.58, 211.62, 211.63, 211.64, 211.66, 211.67, 211.70, 211.73, 211.73a, 211.73b, 211.75, 211.83, 211.85, 211.86, 211.87, 211.88, 211.90, 211.95, 211.96, 211.97, 211.98, 211.98a, 211.99, 211.101, 211.102, 211.103, 211.105, 211.113, 211.121, 211.122, 211.127b, 211.130, 211.135, 211.138, 211.139, and 211.144).

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and

not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 2, 8, 14, 24, 24c, 27a, 34c, 35, 41, 57a, 58, 62, 63, 64, 66, 67, 70, 73, 73a, 73b, 75, 83, 85, 86, 87, 88, 90, 95, 96, 97, 98, 98a, 99, 101, 102, 103, 105, 113, 121, 122, 127b, 130, 135, 138, 139, and 144 (MCL 211.2, 211.8, 211.14, 211.24, 211.24c, 211.27a, 211.34c, 211.35, 211.41, 211.57a, 211.58, 211.62, 211.63, 211.64, 211.66, 211.67, 211.70, 211.73, 211.73a, 211.73b, 211.75, 211.83, 211.85, 211.86, 211.87, 211.88, 211.90, 211.95, 211.96, 211.97, 211.98, 211.98a, 211.99, 211.101, 211.102, 211.103, 211.105, 211.113, 211.121, 211.122, 211.127b, 211.130, 211.135, 211.138, 211.139, and 211.144), sections 2, 8, 14, and 34c as amended by 2000 PA 415, section 24 as amended by 1994 PA 415, section 24c as amended by 1996 PA 476, and section 27a as amended by 2000 PA 260.

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

Senator Emmons 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,

Senator Emmons offered the following amendment to the substitute:

1. Amend page 4, following line 9, by inserting:

"Sec. 7u. (1) The homestead of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation under this act. This section does not apply to the property of a corporation.

(2) To be eligible for exemption under this section, a person shall do all of the following on an annual basis:

(a) Be an owner of and occupy as a homestead the property for which an exemption is requested.

(b) File a claim with the supervisor or board of review on a form provided by the local assessing unit, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns, filed in the immediately preceding year or in the current year. The filing of a claim under this subsection constitutes an appearance before the board of review for the purpose of preserving the claimant's right to appeal the decision of the board of review regarding the claim.

(c) Produce a valid driver's license or other form of identification if requested by the supervisor or board of review.

(d) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if required by the supervisor or board of review.

(e) Meet the federal poverty ~~income standards as defined and determined annually by the United States office of management and budget~~ GUIDELINES UPDATED ANNUALLY IN THE FEDERAL REGISTER BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER AUTHORITY OF SECTION 673 OF SUBTITLE B OF TITLE VI OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981, PUBLIC LAW 97-35, 42 U.S.C. 9902, or alternative guidelines adopted by the governing body of the local assessing unit provided the alternative guidelines do not provide income eligibility requirements less than the federal guidelines.

(3) The application for an exemption under this section shall be filed after January 1 but before the day prior to the last day of the board of review.

(4) The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines the local assessing unit uses for the granting of exemptions under this section. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and total household income and assets.

(5) The board of review shall follow the policy and guidelines of the local assessing unit in granting or denying an exemption under this section unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and guidelines and the substantial and compelling reasons are communicated in writing to the claimant.

(6) A person who files a claim under this section is not prohibited from also appealing the assessment on the property for which that claim is made before the board of review in the same year.

(7) As used in this section, "homestead" means homestead or qualified agricultural property as those terms are defined in section 7dd."

The amendment to the substitute was adopted.

Senators Cherry and DeGrow offered the following amendment to the substitute:

1. Amend page 21, line 1, by striking out all of section 27a.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 1033**Yeas—32**

Bennett	Emerson	Koivisto	Schuette
Bullard	Emmons	Leland	Schwarz
Byrum	Garcia	McCotter	Scott
Cherry	Gast	McManus	Shugars
DeBeausaert	Goschka	Miller	Sikkema
DeGrow	Hammerstrom	North	Smith
Dingell	Hoffman	Peters	Steil
Dunaskiss	Johnson	Sanborn	Stille

Nays—0**Excused—5**

Gougeon	Murphy	Vaughn	Young
Hart			

Not Voting—1

Van Regenmorter

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 Dingell offered to amend the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 2, 7u, 8, 14, 24, 24c, 34c, 35, 41, 57a, 58, 62, 63, 64, 66, 67, 70, 73, 73a, 73b, 75, 83, 85, 86, 87, 88, 90, 95, 96, 97, 98, 98a, 99, 101, 102, 103, 105, 113, 121, 122, 127b, 130, 135, 138, 139, and 144 (MCL 211.2, 211.7u, 211.8, 211.14, 211.24, 211.24c, 211.34c, 211.35, 211.41, 211.57a, 211.58, 211.62, 211.63, 211.64, 211.66, 211.67, 211.70, 211.73, 211.73a, 211.73b, 211.75, 211.83, 211.85, 211.86, 211.87, 211.88, 211.90, 211.95, 211.96, 211.97, 211.98, 211.98a, 211.99, 211.101, 211.102, 211.103, 211.105, 211.113, 211.121, 211.122, 211.127b, 211.130, 211.135, 211.138, 211.139, and 211.144), sections 2, 8, 14, and 34c as amended by 2000 PA 415, section 7u as amended by 1994 PA 390, section 24 as amended by 1994 PA 415, and section 24c as amended by 1996 PA 476.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senate Bill No. 1448, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1307a and 1344 (MCL 600.1307a and 600.1344), section 1307a as amended by 1986 PA 104 and section 1344 as amended by 1982 PA 226.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 25, by striking out the balance of the bill and inserting:

“(a) Senate Bill No. 1452.

(b) House Bill No. 4090.

- (c) House Bill No. 4551.
- (d) House Bill No. 4552.
- (e) House Bill No. 4553.”.

The House of Representatives has passed the bill as amended 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 Emmons moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor. The question being on concurring in the amendment made to the bill by the House, Senator Van Regenmorter offered the following amendment to the amendment:

1. Amend House Amendment No. 1, page 3, line 25, after “No. 1452.” by striking out the balance of the amendment and inserting:

- “(b) House Bill No. 4551.
- (c) House Bill No. 4552.
- (d) House Bill No. 4553.”.

The amendment to the amendment was adopted.

The question being on concurring in the House amendment, as amended,

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

Roll Call No. 1034

Yeas—33

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0

Excused—5

Gougeon	Murphy	Vaughn	Young
Hart			

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. The Senate agreed to the full title.

Senate Bill No. 1452, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2001 PA 202 and section 8371 as amended by 1996 PA 388.

The House of Representatives has amended the bill as follows:

- 1. Amend page 9, line 19, by striking out the balance of the enacting section and inserting:
 - “(a) Senate Bill No. 1448.
 - (b) House Bill No. 4090.
 - (c) House Bill No. 4551.

- (d) House Bill No. 4552.
 (e) House Bill No. 4553.”.

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.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Emmons moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,
 Senator Van Regenmorter offered the following amendment to the amendment:

1. Amend House Amendment No. 1, page 9, line 19, after “No. 1448.” by striking out the balance of the amendment and inserting:

“(b) House Bill No. 4551.

(c) House Bill No. 4552.

(d) House Bill No. 4553.”.

The amendment to the amendment was adopted,

The question being on concurring in the House amendment, as amended,

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

Roll Call No. 1035

Yeas—33

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0

Excused—5

Gougeon	Murphy	Vaughn	Young
Hart			

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.
 The Senate agreed to the full title.

Senate Bill No. 883, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding chapter 16.

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. 1000, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 252a (MCL 257.252a), as amended by 2000 PA 306.

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 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. 1121, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16261, 16401, and 16411 (MCL 333.16261, 333.16401, and 333.16411).

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 Emmons 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. 1036

Yeas—33

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0

Excused—5

Gougeon	Murphy	Vaughn	Young
Hart			

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.

The Senate agreed to the full title.

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

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

Senate Bill No. 1250, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 36 of chapter IX and section 14m of chapter XVII (MCL 769.36 and 777.14m), section 36 of chapter IX as added by 2001 PA 246 and section 14m of chapter XVII as added by 2002 PA 29.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 26 and 28 of chapter V, section 36 of chapter IX, and section 14m of chapter XVII (MCL 765.26, 765.28, 769.36, and 777.14m), section 36 of chapter IX as added by 2001 PA 246 and section 14m of chapter XVII as added by 2002 PA 29.

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

Senator Emmons 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. 1037

Yeas—32

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter

Nays—0

Excused—5

Gougeon	Murphy	Vaughn	Young
Hart			

Not Voting—1

Emerson

In The Chair: Hoffman

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.

Senator Hoffman moved that he be named co-sponsor of the following bill:
Senate Bill No. 1250, entitled
The motion prevailed.

Senate Bill No. 1251, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending sections 105, 109, 353, 357, 359, 361, and 365 (MCL 462.105, 462.109, 462.353, 462.357, 462.359, 462.361, and 462.365); and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 14, following line 21, by inserting:

"Enacting section 2. This amendatory act takes effect April 1, 2003."

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.

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

Senator Emmons moved that the rule be suspended.

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

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. 1038

Yeas—33

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0

Excused—5

Gougeon	Murphy	Vaughn	Young
Hart			

Not Voting—0

In The Chair: Hoffman

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. 1400, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1005, 1011, 1019, 1021, and 1023 (MCL 600.1005, 600.1011, 600.1019, 600.1021, and 600.1023), sections 1005, 1019, and 1023 as added by 1996 PA 388, section 1011 as amended by 1998 PA 298, and section 1021 as amended by 2000 PA 56; and to repeal acts and parts of acts.

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 Senate agreed to the full title.

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

Senate Bill No. 1417, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 12 (MCL 125.2692).

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 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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5719

House Bill No. 5720

House Bill No. 5721

House Bill No. 5742

House Bill No. 5716

The motion prevailed.

The following bill was read a third time:

House Bill No. 5719, entitled

A bill to amend 1942 (1st Ex Sess) PA 16, entitled "An act to designate the superintendent of public instruction as the state agency to apply to and receive from the federal government, or any agency thereof, grants in aid of the public schools of this state and educational activities in this state; and to provide for the disbursement thereof," by amending section 3 (MCL 388.803).

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. 1039**Yeas—33**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0**Excused—5**

Gougeon	Murphy	Vaughn	Young
Hart			

Not Voting—0

In The Chair: Hoffman

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

The following bill was read a third time:

House Bill No. 5720, entitled

A bill to amend 1893 PA 116, entitled “An act to provide for the maintenance, management and control, of the Michigan school for the deaf, and to repeal all laws inconsistent herewith,” by repealing sections 10, 12, 14, and 16 (MCL 393.60, 393.62, 393.64, and 393.66).

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. 1040**Yeas—33**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0**Excused—5**

Gougeon	Murphy	Vaughn	Young
Hart			

Not Voting—0

In The Chair: Hoffman

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

The following bill was read a third time:

House Bill No. 5721, entitled

A bill to amend 1893 PA 123, entitled “An act to provide for the maintenance, supervision and government of the Michigan school for the blind, and to repeal all acts and parts of acts inconsistent herewith,” by repealing sections 9 and 10 (MCL 393.109 and 393.110).

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. 1041**Yeas—33**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0**Excused—5**

Gougeon	Murphy	Vaughn	Young
Hart			

Not Voting—0

In The Chair: Hoffman

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

The following bill was read a third time:

House Bill No. 5742, entitled

A bill to amend 1921 PA 302, entitled “An act to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof,” by amending section 1 (MCL 388.551).

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. 1042**Yeas—33**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

Nays—0

Excused—5Gougeon
Hart

Murphy

Vaughn

Young

Not Voting—0

In The Chair: Hoffman

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

The following bill was read a third time:

House Bill No. 5716, entitled

A bill to amend 1941 PA 230, entitled "An act to authorize the auditor general of the state of Michigan to sell or lease real estate, the title to which is vested in the state of Michigan by grant, devise or gift, or in payment for care or medical treatment rendered in any Michigan state hospital or institution," by amending the title and sections 1, 2, 3, and 4 (MCL 322.1, 322.2, 322.3, and 322.4).

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. 1043**Yeas—33**Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
EmersonEmmons
Garcia
Gast
Goschka
Hammerstrom
Hoffman
Johnson
KoivistoLeland
McCotter
McManus
Miller
North
Peters
Sanborn
SchuetteSchwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter**Nays—0****Excused—5**Gougeon
Hart

Murphy

Vaughn

Young

Not Voting—0

In The Chair: Hoffman

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

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 Concurrent Resolution No. 76

Senate Concurrent Resolution No. 86

Senate Concurrent Resolution No. 87

Senate Concurrent Resolution No. 88

Senate Resolution No. 286

Senate Resolution No. 287

Senate Resolution No. 288

Senate Resolution No. 289

Senate Resolution No. 290

Senate Resolution No. 291

Senate Resolution No. 292

Senate Resolution No. 293

Senate Resolution No. 294

Senate Resolution No. 295

Senate Resolution No. 296

Senate Resolution No. 297

Senate Resolution No. 298

Senate Resolution No. 299

Senate Resolution No. 301

Senate Resolution No. 302

Senate Resolution No. 303

Senate Resolution No. 304

Senate Resolution No. 305

Senate Resolution No. 306

Senate Resolution No. 307

Senate Resolution No. 308

Senate Resolution No. 309

Senate Resolution No. 310

Senate Resolution No. 311

Senate Resolution No. 312

Senate Resolution No. 313

Senate Resolution No. 314

Senate Resolution No. 315

Senate Resolution No. 316

Senate Resolution No. 317

Senate Resolution No. 318

Senate Resolution No. 319

House Concurrent Resolution No. 84

The resolution consent calendar was adopted.

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 76.

A concurrent resolution honoring Kathleen M. Wilbur, an original member of Governor Engler's cabinet.

Whereas, Kathleen M. Wilbur faithfully served the people of Michigan for nearly twelve years as an original member of Governor Engler's cabinet, becoming the first woman to lead three different departments of state government, including the former departments of Licensing and Regulation and Commerce, and the Department of Consumer and Industry Services; and

Whereas, Kathleen Wilbur led many successful efforts to reinvent and improve state government services by making it more streamlined, innovative, user-friendly, and customer-focused; and

Whereas, She developed a reputation throughout many years as a talented, dedicated, and effective public servant who was highly regarded and respected by all who knew her; and

Whereas, Kathleen Wilbur's professionalism, energy, and expertise will be missed by the Department of Consumer and Industry Services and the citizens of the state of Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature do hereby recognize and express appreciation for the accomplishments and contributions of Kathleen M. Wilbur. We congratulate Kathleen and wish her success and enjoyment in the future with her husband Tom and her four sons, Tom, Sam, Will, and Ray; and be it further

Resolved, That a copy of this resolution be transmitted to Kathleen M. Wilbur as a token of our respect for her contributions to the state of Michigan.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 86.

A concurrent resolution honoring Jacque Passino, Director of the Michigan Department of Information Technology.

Whereas, Jacque Passino has served as Director of the Michigan Department of Information Technology since November 2001. Mr. Passino brought invaluable experience and knowledge to the state of Michigan, having obtained his undergraduate degree from Duke University in economics and his MBA from the University of Michigan; and

Whereas, Mr. Passino spent the first half of his career in the private sector, where he worked in a variety of assignments with General Motors, Ford, American Natural Resources, Domino's Pizza, Tenneco, Continental Airlines, USAA, Nations Bank, Shell, Halliburton, and Coca Cola Foods; and

Whereas, Jacque Passino's expertise includes extensive experience with large-scale change programs, including global responsibilities in the energy, chemicals, and utilities industry sectors; and

Whereas, Mr. Passino joined the state of Michigan after a brief retirement from Accenture (formerly Andersen Consulting), where he started his IT consulting career in 1971; and

Whereas, Governor John Engler appointed Jacque Passino on November 26, 2001, as the first director to lead Michigan's newly formed Department of Information Technology. He was charged with managing the unification of the information technology functions of all state departments, an effort which no other state had attempted on this scale; and

Whereas, Mr. Passino provided the exemplary leadership skills and guidance needed to aid Governor Engler in realizing his goal of achieving a unified and more cost-effective approach for managing IT resources. He oversaw this reorganization and subsequent transitions with a steady hand and level head, crafting the Michigan Department of Information Technology from an executive order into a successful, functioning reality; and

Whereas, Mr. Passino's many contributions to the citizens of Michigan will long be remembered by those privileged to have worked with him. His lasting impact as a founder of the Michigan Department of Information Technology will remain legendary within state government; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Jacque Passino, Director of the Michigan Department of Information Technology; and be it further

Resolved, That a copy of this resolution be transmitted to Jacque Passino as a token of our respect for his contributions to the state of Michigan.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 87.

A concurrent resolution honoring David K. Ladd, Director of the Office of the Great Lakes.

Whereas, It is with deep appreciation that we commend Director David K. Ladd for extraordinary public service to the state of Michigan and the protection and preservation of the Great Lakes; and

Whereas, David Ladd was born on July 10, 1970, and grew up in Holland. He earned his bachelor's degree from Michigan State University; and

Whereas, In 2001, David was appointed as the Director of the Office of the Great Lakes and served on Governors Engler's Cabinet Council. The Office of the Great Lakes was created to provide Michigan state government offices and the public a single information center on issues affecting or involving the Great Lakes. The office was also established to guide the development of government policies, programs, and procedures that will protect, enhance, and provide wise management of the Great Lakes resources; and

Whereas, Prior to his appointment to the Office of the Great Lakes, David served as the Environmental Policy Advisor to Governor John Engler, specializing in water quality issues, urban redevelopment, and land use policy. He also served as the legislative director to the Michigan Speaker of the House; and

Whereas, David Ladd was appointed as Michigan's representative to the Great Lakes Commission and served on the commission's Executive Council, as well as being appointed as Michigan's representative to the Great Lakes Protection Fund Board of Directors. He was appointed as Michigan's representative to several regional and international boards and commissions pertaining to the management and protection of the Great Lakes, such as the International Joint Commission, Council of Great Lakes Governors, and the United States/Canada Binational Executive Committee; and

Whereas, On behalf of Governor John Engler, David worked with the Council of Great Lakes Governors to implement Annex 2001 to the Great Lakes Charter. Additionally, he has been leading the efforts to develop a decision-making standard to implement Annex 2001, resulting in significant progress being made in the implementation process for Annex 2001; and

Whereas, David Ladd has directed the activity to develop a new state of Michigan Aquatic Nuisance Species Management Plan for the control of aquatic nuisance species. In addition, he has guided the work to devise the Great Lakes region's first and only process to require all vessels carrying cargo in the Great Lakes to report their compliance with Ballast Water Management Practices; and

Whereas, Mr. Ladd has effectively administered the program to award new research grants under the Michigan Great Lakes Protection Fund. Furthermore, he has steered the endeavors to respond to new research needs within the state and managed the implementation of significant revisions to the Michigan Great Lakes Protection Fund to meet those needs; and

Whereas, David Ladd has earned a reputation as an effective and efficient administrator who has taken actions to protect and preserve the Great Lakes. He has also focused strongly on making the Michigan Office of the Great Lakes a strong factor in decision-making efforts involving the Great Lakes on a state, local, national, and international level; and

Whereas, David Ladd has been an invaluable asset to Michigan's Great Lakes environment and economy and has done so with integrity; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby honor David K. Ladd for his many accomplishments in service to the citizens of the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to David K. Ladd as a symbol of our appreciation and gratitude of his accomplishments and the high esteem in which he is held by the Michigan Legislature.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 88.

A concurrent resolution honoring Don Gilmer, Michigan State Budget Director.

Whereas, Don Gilmer, has served as State Budget Director since August 2000. He brought extensive experience to the position, having attended Michigan State University and Western Michigan University, and being named a Kellogg Fellow; and

Whereas, Don began his public service career serving as a state representative in the Michigan House of Representatives from 1977 to 1998, representing portions of Calhoun and Kalamazoo Counties. During his 11-term tenure in the Michigan House of Representatives, Donald Gilmer served on the Department of Education's Michigan School Finance Commission, the House of Representatives Ad Hoc Special Committee on Property Tax and School Finance, and the House Republican Task Force on Property Tax and School Reform. From 1993 to 1996, Donald Gilmer served as the chairman of the House Appropriations Committee. He also served as the minority vice chair of the Higher Education and Consumer and Industry Services Subcommittees; and

Whereas, From 1999 to 2001, Mr. Gilmer served as the sixth commissioner of the Michigan Bureau of State Lottery; and

Whereas, Don's background in financial and budgetary matters, his passion for public service, his able leadership skills, and his jovial personality have made him an outstanding leader. His guidance helped to steer Michigan through the difficult financial times post-September 11. Don's management of Michigan's finances allowed the state to preserve funding for education during extraordinarily difficult budgetary times, as well as overseeing executive order budget cuts and exhibiting exemplary fiscal planning for years to come; and

Whereas, Don Gilmer is well-known, well-respected, and well-liked throughout Michigan for his dedication to public service, cooperating with both Democrats and Republicans to ensure a healthy fiscal future for the state of Michigan; and

Whereas, Mr. Gilmer has served on numerous state and federal committees as a valuable and integral member, augmenting the effectiveness of each group; and

Whereas, His many contributions to the citizens of Michigan throughout the Engler administration and his service as a state representative will long be remembered by those privileged to have worked with him. His positive impact will remain legendary within state government; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Don Gilmer, Michigan State Budget Director; and be it further

Resolved, That a copy of this resolution be transmitted to Don Gilmer as a token of our respect for his contributions to the state of Michigan.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

Senator Young offered the following resolution:

Senate Resolution No. 286.

A resolution of tribute honoring the former Harlem Globetrotters and other former barnstorming African American basketball players.

Whereas, It is a great pleasure and a privilege to offer an accolade of tribute to the former Harlem Globetrotters and other former barnstorming African American basketball players who were denied access to professional leagues in the early days—before the National Basketball Association (NBA) became organized. We also congratulate the Globetrotters for their recent induction into the Naismith Memorial Basketball Hall of Fame in Springfield, Massachusetts, on September 27, 2002; and

Whereas, It is only fitting that the talents and accomplishments of these basketball legends be remembered for the foundation they laid for future African American basketball stars. The NBA did not begin integrating until the 1950s, and as such, many young, gifted African American basketball players traveled the country playing exhibition games against anyone who would challenge them. “If you wanted to play basketball, that’s what it was. On the road. You didn’t get back for six or seven months. Maybe 11 months on the Globetrotters,” said Marques Haynes, a former Globetrotter who was elected into the Naismith Memorial Basketball Hall of Fame in 1998; and

Whereas, Many of these African American pioneers, who largely came from Detroit, were denied an opportunity to play in the NBA, encountering quota systems and a league that tolerated but did not accept the color barrier. With the Globetrotters, players felt they were accepted as individuals and played ball for the love of the game. Money was definitely not the attraction, as members of the Globetrotters never made more than \$700 per month; and

Whereas, The Black Legends of Professional Basketball was founded in 1996 by Dr. John Kline, a member of the Globetrotters in the 1950s. His vision was to create an organization that would duly honor and highlight the significant contributions of the African American pioneers and their impact on professional basketball today. The organization advocated for some form of compensation for these early, gifted athletes who provided years of enjoyment and entertainment for their many enthusiastic and supportive fans. The hard work and efforts of the organization have been instrumental in bringing African American inductees into the Basketball Hall of Fame; now, therefore, be it

Resolved by the Senate, That we hereby honor and pay tribute to the former Harlem Globetrotters and other former barnstorming African American basketball players. May they know of the profound impact their individual talents have had on the game of basketball; and be it further

Resolved, That a copy of this resolution be transmitted to the Black Legends of Professional Basketball organization as evidence of our esteem.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 287.

A resolution of tribute for the Honorable John M. Engler.

Whereas, With the retirement of Governor John M. Engler, an era is drawing to a close in state government in Michigan. It is most appropriate to commend this hardworking public servant for the 32 years he has devoted to the people of this state as a legislator and as the governor; and

Whereas, Born in Mount Pleasant and raised in a farm family in Beal City, John Engler embarked on elective office in 1970, when, as a recent graduate of Michigan State University, he became one of the youngest members ever elected to the Michigan House of Representatives. In 1978, he was elected to the first of three terms in the Michigan Senate, where he served as the Majority Leader from 1984 to 1990. In this role, he became a central figure to virtually all aspects of policy-making in the state. In 1990, he was elected as Michigan’s forty-sixth governor; and

Whereas, As Michigan’s chief executive, Governor Engler has been a strong advocate for the people, businesses, and institutions of this state. His keen understanding of the nuances of the legislative process and the needs of Michigan and its future made him a remarkably effective leader. He transformed the state through bold initiatives in economic development; a comprehensive commitment to promoting the efficiencies of computer technology in schools, commerce, and government; and new approaches to education; and

Whereas, In addition to landmark changes in certain policy areas, including school finance and taxation, Governor Engler provided vitally important leadership on the national level as well. The former chair of the National Governors Association, he was a key figure behind innovations in welfare and job training that hold great significance for the country; and

Whereas, As he leaves office as the nation's longest-serving governor, he does so with a secure place in Michigan history as a most effective and visionary leader. His commitment to our state will long benefit the grateful people of our pleasant peninsulas; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest commendations to honor and thank Governor John Engler for his long and distinguished service to our state; and be it further

Resolved, That a copy of this resolution be transmitted to Governor Engler and his family as evidence of our best wishes for health and happiness in the years to come.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 288.

A resolution of tribute to the Honorable Joe Young, Jr.

Whereas, It is truly an honor and privilege for the members of the Michigan Senate to salute the Honorable Joe Young, Jr., as he brings to a close his tenure with this august body. Indeed, Joe Young, Jr., has served his constituents and the people of the state of Michigan in a host of capacities with the legislative branch of government. His record of achievement is a testimony to his warmth of heart and dedication to public service; and

Whereas, Joe Young, Jr., was born in Detroit and graduated from Nativity Diocesan High School and Michigan State University. He began his career in the legislative arena as a member of the staff of former House Speaker William Ryan. He went on to work for Representative Alma Stallworth and Senator Dale Kildee, and, on Senator Kildee's election to Congress, Joe Young, Jr., served as Congressman Kildee's legislative assistant. In 1978, Joe Young, Jr., was elected to the Michigan House of Representatives, and in 1995, he began his work in the Michigan Senate; and

Whereas, As a member of the Michigan Senate, Joe Young, Jr., served on the Senate Appropriations Committee and the Committees on Natural Resources and Environmental Affairs; Judiciary; Local, Urban and State Affairs; and Families, Mental Health and Human Services. In these, and in all of his duties in the Senate, Joe Young, Jr., approached his responsibilities with the utmost dedication and professionalism; and

Whereas, Indeed, Joe Young, Jr., was a conscientious lawmaker who took his efforts to help others most seriously. He was a strong advocate for children, worked tirelessly to help those in his district and the state, and was a trustworthy colleague. His service will long continue to enrich the tradition of the Michigan Senate; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to Joe Young, Jr., as he brings to a close his career with the Michigan Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Joe Young, Jr., as evidence of our appreciation and esteem.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 289.

A resolution of tribute for the Honorable Dick Posthumus.

Whereas, It is most appropriate to extend this expression of our admiration and gratitude to Lieutenant Governor Dick Posthumus as he brings to a close his distinguished tenure of service to the Michigan Senate and our entire state. His accomplishment-filled career has had a major impact on our citizens and their shared future; and

Whereas, A proud son of Michigan agriculture, Dick Posthumus is a graduate of Michigan State University. His strong sense of civic involvement, including his leadership in several agricultural organizations, led to his service as a staff member with the Michigan Legislature. In 1983, he brought his concerns and experiences to the Michigan Senate following his election to the first of his four terms; and

Whereas, Among the many highlights of Dick Posthumus' tenure as a member of the Senate were his eight years as the Majority Leader, in which capacity he brought forth several wide-ranging policy initiatives, including landmark changes in school financing. As Majority Leader and as Michigan's Lieutenant Governor from 1999 to 2002, he was at the forefront of efforts to advance numerous programs to strengthen the state's economic foundation, to encourage innovations in the classroom and in business, and to help families; and

Whereas, Over the course of his 20 years of leadership in elective office, Dick Posthumus has brought integrity, respect, honor, and commitment to state government. This example will long benefit Michigan; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest praise to salute the Honorable Dick Posthumus and thank him for his excellent work as Lieutenant Governor and President of this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Lieutenant Governor Posthumus and his family as evidence of our best wishes for the future.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 290.

A resolution for the Honorable Jackie Vaughn III.

Whereas, It is with great appreciation for his lifetime of service to the people of Detroit and our entire state that we offer our thanks and best wishes to Senator Jackie Vaughn III upon his retirement. One of the longest-serving legislators in Michigan history, he has compiled a long and distinguished record in many areas over the course of more than three and one-half decades as a lawmaker; and

Whereas, A graduate of Hillsdale College who earned his master's degree at Oberlin College and studied as a Fulbright Scholar at Oxford University in England, Jackie Vaughn served with the United States Navy and in several teaching positions prior to his 1967 election to the Michigan House of Representatives. His strong bonds with organizations and individuals within his community, especially the Hartford Memorial Baptist Church, have given him great understanding into the needs of his constituents. His reputation for recognizing the achievements of individuals and groups reflected his belief in the importance of encouraging excellence and service in others; and

Whereas, In 1978, Jackie Vaughn brought his energies and insights to the Senate, where he has "fought the good fight" on behalf of the people of Detroit. Senator Vaughn's consistent efforts on behalf of young people, his tireless leadership in promoting the work of Dr. Martin Luther King, and his advocacy of programs to help the needy have earned him widespread respect. Even his recent health challenges could not erode the long-standing record of concern for others this devoted public servant has compiled; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Jackie Vaughn III for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Vaughn as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 291.

A resolution of tribute for the Honorable William Van Regenmorter.

Whereas, William Van Regenmorter has had a long and stellar career in both houses of the Michigan Legislature. He was first elected to the House of Representatives in 1982 and served there until 1990, when he was elected to the Senate; and

Whereas, Senator Van Regenmorter has served his constituents and the citizens of the entire state with distinction. He has sponsored laws on issues ranging from providing greater protection for abused children, increasing drunk driving penalties, reducing incidences of domestic violence, and establishing increased respect for victims of crime. His Crime Victim's Rights Act has become a national model law. He has also been the sponsor of two amendments to Michigan's constitution; and

Whereas, Senator Van Regenmorter has been the recipient of numerous accolades for outstanding service and leadership as a legislator. From his honorary Doctorate of Law degree by the Detroit College of Law, to being named National Legislator of the Year by the National Victim Center, to being named State Legislator of the Year by various state organizations, recognition has been bestowed upon him for the excellent manner in which he has contributed to improving the lives of the citizens of Michigan; now, therefore, be it

Resolved by the Senate, That we commend Senator William Van Regenmorter for his devotion as a member of the Michigan Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Van Regenmorter as evidence of our thanks and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 292.

A resolution of tribute to the Honorable Leon Stille.

Whereas, It is with profound gratitude that this legislative body honors Senator Leon Stille for his steadfast commitment to our state. We sincerely appreciate his dedication and insights, as well as his leadership on a number of critically important issues; and

Whereas, A lifelong resident of Ottawa County, Leon Stille earned a B.A. degree from Michigan State University and worked as a public school teacher before joining IBM Corporation from 1966 to 1992. For over 40 years, Leon Stille has officiated high school and intercollegiate sporting events including the Michigan State High School Championship and NCAA Division II and III national playoff games; and

Whereas, After serving five terms as the mayor of Ferrysburg, Leon Stille was elected to the House in 1992 and to the Senate in 1994. Among his many legislative achievements are helping to ensure \$1.5 million in state funding to develop western Michigan's only autism-based teacher training and child services program at Grand Valley State University; co-sponsoring the "Julian-Stille Value-Added Act," which provides grants for the development of value-added agricultural processing and agricultural ventures; and sponsoring legislation rewriting the school code, giving local school boards more control and power to improve the educational process; now therefore, be it

Resolved by the Senate, That we honor Senator Leon Stille as he concludes his service with the Michigan Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Stille as a tribute to his dedication and public service.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 293.

A resolution of tribute to the Honorable Glenn D. Steil.

Whereas, It is truly a pleasure to commend the Honorable Glenn D. Steil as he brings to a close an admirable record of service on behalf of the Michigan Senate. It is indeed appropriate that we express our appreciation for the insights and hard work he brought to this chamber each and every day of his eight-year tenure; and

Whereas, Glenn Steil is a graduate of Davenport College who went on to forge an exemplary career in the world of business. He then brought his insights and capacity for hard work to his efforts with the Michigan Senate. Indeed, the experiences gained in the business world led Glenn Steil to public service in order to seek fairness and balance in the state's tax policy, revenue sharing mechanisms, and economic development programs, among others; and

Whereas, A highly respected legislator, Glenn Steil served with distinction on the Banking and Financial Institutions Committee, the Gaming and Casino Oversight Committee, the Transportation and Tourism Committee, and the Michigan Capitol Committee, as well as the Senate Special Committee on Revenue Sharing and the Detroit Metro Airport Review Committee; and

Whereas, Clearly, Glenn Steil has approached his responsibilities in the Michigan Senate with the utmost professionalism and dedication. He will be remembered as one who was more than willing to help tackle many of the state's most vexing problems. We can be sure that his efforts will long continue to exemplify the spirit and the tradition of the Michigan Senate; now, therefore, be it

Resolved by the Senate, That the highest accolade of tribute be extended to the Honorable Glenn D. Steil as he brings to a close his tenure with the Michigan Senate; and be it further

Resolved, That a copy of this resolution be presented to Glenn D. Steil as evidence of our esteem.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 294.

A resolution of tribute for the Honorable Alma Wheeler Smith.

Whereas, As the Ninety-first Legislature draws to a close, it is most fitting to honor and thank Senator Alma Wheeler Smith. Since her election in 1994, Senator Smith has been a strong and steadfast voice for many issues concerning the citizens of this state; and

Whereas, Even before her years of service representing the Eighteenth Senate District, Alma Wheeler Smith had deep and abiding ties to her constituents and their concerns. As a member of the South Lyon School Board from 1984 to 1992 and the Washtenaw County Board of Commissioners from 1993 to 1994, she served the public with great effectiveness and compassion; and

Whereas, Highlights of Senator Smith's distinguished career include her sponsorship of legislation regulating personal protection orders between juveniles and their parents and her advocacy of education and greater sensitivity to those with disabilities. She served on the Senate Appropriations Committee and numerous appropriations subcommittees. She was also a member of the Library of Michigan Board of Trustees and the Legislative Black Caucus. Her high standard of public service has earned her respect from people in all corners of the state; now, therefore, be it

Resolved by the Senate, That we commend Senator Alma Wheeler Smith as she completes her tenure in the Michigan Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Smith as evidence of our best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 295.

A resolution of tribute for the Honorable Dale Shugars.

Whereas, It is a privilege to recognize Senator Dale Shugars as he concludes his service in the Michigan Senate. As a legislator, Dale Shugars has pursued initiatives on affordable health insurance, income tax reductions for senior citizens, and increased fines for those who sell tobacco to minors. His concern for issues that touch all Michiganders earned him the trust of his constituents and the respect of his colleagues; and

Whereas, Dale Shugars brought a wealth of experience to the Michigan Legislature. A graduate of Western Michigan University with a degree in accounting and political science, Dale Shugars became a certified public accountant and ran his own business prior to entering politics. He served on the Portage City Council and in other local government, political, and civic organizations. He was first elected to the Michigan House of Representatives in 1990 where he served two terms before winning his Senate seat in 1994; and

Whereas, Senator Shugars chairs the Senate Health Policy Committee, is vice chair of the Financial Services and Local, Urban and State Affairs Committees, and is a member of the Casino Gaming and Oversight Committee. His work in these diverse areas of finance, gaming, and health has earned him recognition by a number of health-related citizen organizations as well as business groups. He retains strong links with his community through a host of civic and professional organizations that work to improve their communities at the local level. Senator Shugars' record of service and excellence has set a standard for the Michigan Senate; now, therefore, be it

Resolved by the Senate, That we honor Senator Dale Shugars as he concludes his tenure of service with the Michigan State Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Shugars as a tribute to his public service.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 296.

A resolution for the Honorable John J.H. Schwarz, M.D.

Whereas, With his departure from the Michigan Legislature after sixteen years of outstanding leadership, Senator John J.H. Schwarz is bringing to a close a most impressive tenure of commitment to the people of this state. His conviction, integrity, and independence have been fundamental to the effectiveness of our state's legislative branch of government. He leaves the Michigan Senate with the respect and gratitude of colleagues and staff across political, geographic, and philosophical boundaries; and

Whereas, John Schwarz, who earned his bachelor's degree from the University of Michigan and his M.D. from Wayne State University, proudly served his country as a member of the U.S. Navy and the Central Intelligence Agency. After serving as mayor for the city of Battle Creek, he came to the Michigan Senate following his 1986 election. Since that time, he established himself not only as a strong voice for the people, but also as a decisive policymaker. He has been a key part of virtually all major initiatives, especially in the areas of health policy and education; and

Whereas, With his clear abilities and firm grasp of the legislative process, John Schwarz was first elected President pro tempore of the Senate in 1993. The trust of his fellow lawmakers has been well placed, for he has provided excellent leadership during the institution's adjustments to a variety of challenges. He has taken risks to ensure the highest standards of public service for the people of this state. Clearly, his strong positive impact will long be felt; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable John J.H. Schwarz, M.D., for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Schwarz as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 297.

A resolution for the Honorable Bill Schuette.

Whereas, As he brings to a close his distinguished service in the Michigan Senate, it is most appropriate to express our gratitude to Senator Bill Schuette. His work as a lawmaker over the past eight years is a continuation of his long-standing and diverse career in the service of the people of our state. The example of his commitment will long benefit this legislative body and all of Michigan's public institutions; and

Whereas, A native of Midland, Bill Schuette earned his bachelor's degree from Georgetown University, studied at the University of Aberdeen in Scotland, and earned his juris doctorate at the University of San Francisco School of Law. He has devoted his energies and intellect to the service of others through the law, civic organizations, and an impressive array of elective and administrative responsibilities. He served two terms in Congress from 1985 to 1990 and took on the duties of the director of the Michigan Department of Agriculture prior to his 1994 election to the Michigan Senate. Among his many accomplishments was the establishment of the Michigan Harvest Gathering program to collect food for the hungry; and

Whereas, Senator Schuette's background has proven to be invaluable over the course of debates on a host of policy issues. He has served as the chair of the Reapportionment and the Economic Development, International Trade and Regulatory Affairs Committees and as a key member of the Judiciary and Technology and Energy Committees; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Bill Schuette for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Schuette as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 298.

A resolution for the Honorable Gary C. Peters.

Whereas, It is with deep appreciation for his many contributions to our state and to the quality of its public policy that we commend and thank Senator Gary Peters as he completes his tenure with the Michigan Senate. His work as a lawmaker has been marked by the thoughtfulness and respect for our system of self-government that have marked all aspects of his life; and

Whereas, Gary Peters, a native of Pontiac, has distinguished himself in both degree and public sector responsibilities. A graduate of Alma College who earned his master's in finance from the University of Detroit and his juris doctorate from Wayne State University, he has worked in financial services in several capacities. His public-spiritedness has been evident in his efforts as a Rochester City Council member and member of several public boards and commissions and through his duties as an officer with the United States Naval Reserve. The understanding of the issues of importance to our state gained from this background has been helpful in policy discussions and debates; and

Whereas, Senator Peters brought his insights and experiences to the Michigan Senate in 1995. Since that time, he has been effective in articulating the concerns of his district and our state through the legislative process. He has contributed to the work of the Economic Development, International Trade and Regulatory Affairs, Education, Finance, and Natural Resources and Environmental Affairs Committees. We appreciate his hard work; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Gary C. Peters for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Peters as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 299.

A resolution for the Honorable Walter H. North.

Whereas, It is with great appreciation for his long years of unselfish service to our state and gratitude for his outstanding work as a lawmaker the past eight years that we salute and thank Senator Walter North as he completes his tenure with this legislative body. With his personal integrity, commitment, and thoughtfulness, he has advanced the quality of public policy in Lansing, much to the benefit of his district and our entire state; and

Whereas, Walter North has distinguished himself in a wide range of pursuits over his lifetime. A graduate of Western Michigan University, he has considerable business experience as an accountant, as well as a record of excellence in public service and civic affairs. He served as an assistant to the State Treasurer and as the comptroller and executive director of the Mackinac Bridge Authority. These responsibilities gave him an excellent familiarity with the day-to-day challenges of administration; and

Whereas, Senator North's varied background has been put to good use since his election to the Michigan Senate in 1994. His knowledge of finance has been especially important to his work as a member of the Senate Appropriations Committee. Senator North has been a key contributor to the budget process as the chair of the subcommittees on Corrections and the Judiciary and as a member of the subcommittee for Environmental Quality. He also provided invaluable insights with the Human Resources and Labor and Transportation and Tourism Committees, as well as the Great Lakes Task Force; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Walter H. North for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Walter H. North as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 300.

A resolution for the Honorable Raymond M. Murphy.

Whereas, It is with great respect for his long and distinguished career of service to our state that we commend Senator Raymond Murphy as he brings to a close his tenure with the Michigan Senate. We wish to recognize his contributions to this legislative body over the past four years. Members and staff are grateful for his efforts on behalf of his community and our entire state; and

Whereas, Ray Murphy has served the people of Michigan in many capacities over a career in public service that has spanned many years. One of the framers of the 1963 Michigan Constitution as a constitutional convention delegate from Wayne County, he also has served others through his work as a court officer in Detroit and his long-standing involvement in a host of civic organizations and initiatives. He has complemented his public sector efforts with work in the real estate industry and membership in several service groups; and

Whereas, Prior to his election to the Michigan Senate in 1998, Ray Murphy had served for 16 years as a member of the House of Representatives. His understanding of issues and the legislative process has been significant in several key areas, especially the study of high-speed rail possibilities for Michigan. Senator Murphy has most recently shared his knowledge as a member of the Senate Appropriations Committee and its subcommittees on Community Health, the Department of Education, and the Family Independence Agency; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Raymond M. Murphy for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Murphy as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 301.

A resolution for the Honorable Arthur Miller.

Whereas, With deep appreciation for his spirit of commitment to our state and gratitude for his contributions to the legislative process, we are proud to commend and thank Senator Arthur Miller as he brings to a close his tenure with the Michigan Senate. His intelligence, enthusiasm, and energy have earned him many admirers and benefited our state in many ways; and

Whereas, Arthur Miller came to Lansing with a wide range of experiences in the private and public sectors. A graduate of Eastern Michigan University, he became a construction manager and served three terms on the Warren City Council. He was first elected to the Michigan Senate in a 1977 special election and was reelected in six subsequent elections; and

Whereas, Senator Miller has contributed to the Senate in a leadership role, elected as Senate Democratic Leader in April 1985 and reelected in November 1986, 1990, and 1994. He has also shown leadership in his role on the Government Operations, Financial Services, Local, Urban and State Affairs, and Banking and Financial Institutions Committees. His leadership during an era of great change and challenge and his devotion to the institution have earned him the respect of colleagues on both sides of the aisle; now, therefore; be it

Resolved by the Senate, That we offer this expression of our gratitude to the Honorable Arthur Miller as he brings to a close his notable service to this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Miller as evidence of our admiration and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 302.

A resolution of tribute to the Honorable George A. McManus.

Whereas, It is with great admiration that the members of this legislative body honor Senator George A. McManus as he ends his tenure in the Michigan Senate. Through his unwavering dedication to the people of the Thirty-sixth District, Senator McManus has contributed significantly to solving many seemingly intractable problems addressing the state as a whole; and

Whereas, George A. McManus is a fourth-generation Grand Traverse cherry farmer. A graduate of Michigan State University, where he earned a B.S. and an M.S. degree, he served as the county extension director for Michigan State University for twenty-five years. Further, he was an elected trustee of Northwestern Michigan College for twenty years and a director of the Northwestern Michigan College Foundation; and

Whereas, In 1990, Mr. McManus was elected to the Senate. During the Ninety-first Legislature, he chaired the Farming, Agribusiness and Food Systems Committee and was a member of the Appropriations Committee. He also chaired the Appropriations Subcommittees on Agriculture and Natural Resources. A devoted environmentalist and agriculturalist, Senator McManus sponsored legislation creating the Groundwater and Freshwater Protection Act. He also played an integral part in protecting family farms by ensuring that Proposal A capped property tax assessments, and in amending the Farmland and Open Space Preservation Act, to lower the income threshold for farmers to participate in a farmland development rights agreement; now, therefore, be it

Resolved by the Senate, That we offer this expression of our gratitude to Senator George A. McManus as he brings to a close his notable service in the Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator McManus as evidence of our admiration and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 303.

A resolution of tribute to the Honorable Thaddeus McCotter.

Whereas, A graduate of the University of Detroit-Mercy, where he earned B.A. and J.D. degrees, Thaddeus McCotter served on the Wayne County Commission from 1992 to 1998. As a commissioner, he spearheaded the Wayne County Charter's Super-Majority Amendment, which requires the support of two-thirds of commissioners to put a new tax on the ballot and 60 percent voter approval to pass it; and

Whereas, In 1998, Thaddeus McCotter was elected to the Senate and was selected by his caucus to serve as the Assistant Majority Floor Leader. During the Ninety-first Legislature, Senator McCotter chaired the Local, Urban and State Affairs Committee and the Government Operations Committee. In addition, he vice chaired the Judiciary Committee, the Economic Development, International Trade, and Regulatory Affairs Committee, and the Reapportionment Committee; and

Whereas, Despite serving only one term, Senator McCotter had several legislative accomplishments, including chairing the Senate Law Revision Task Force that recommended the repeal of nearly 100 irrelevant, outdated, and unenforced laws; now, therefore, be it

Resolved by the Senate, That we honor Senator Thaddeus McCotter as he concludes his service with the Michigan Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator McCotter as a tribute to his dedication to public service.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 304.

A resolution of tribute to the Honorable Don Koivisto.

Whereas, In recognition of his outstanding tenure of service in the Michigan Senate, it is a privilege for the members of this legislative body to salute Senator Don Koivisto as he brings to a close his work on behalf of the Senate. Don Koivisto served his constituents in the Upper Peninsula and the people of the entire state as a three-term member of the House of Representatives. He subsequently took time off to raise his family and returned to public service in 1990 as a member of the Michigan Senate; and

Whereas, Don Koivisto is a graduate of Ironwood's Luther L. Wright High School and Central Michigan University. He is a former teacher, coach, and county juvenile officer who began his public career on the school board. In 1980, he was elected to the House; and

Whereas, Don Koivisto was elected to the Senate in November 1990. Since that time, he has served on a number of committees, including the Agriculture and Forestry Committee, the Joint Committee on Administrative Rules, the Natural Resources and Environmental Affairs Committee, and the Committee on Gaming and Casino Oversight. He is perhaps best known for his hard work and diligence on the Appropriations Committee; and

Whereas, Don Koivisto has been a most effective legislator. He has been influential in helping preserve our natural resources, commercial forestlands, and most recently, jobs in the Upper Peninsula's iron ore industry. Don Koivisto has approached his responsibilities in the Senate with the utmost dedication and a strong spirit of concern for the well-being of others. We can be sure that his example will long continue to exemplify the rich traditions of the Michigan Senate; now, therefore, be it

Resolved by the Senate, That the highest accolade of tribute be extended to the Honorable Don Koivisto for his excellent record of service with the Michigan Senate; and be it further

Resolved, That a copy of this resolution be presented to Don Koivisto as evidence of our esteem and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 305.

A resolution of tribute for the Honorable Phil Hoffman.

Whereas, It is a privilege to join with our colleagues in paying tribute to the legislative career of Senator Phil Hoffman. For twenty years, he has served his constituents while striving to make Michigan a better state for all. He has earned the confidence of the voters and the respect of his colleagues; and

Whereas, Phil Hoffman earned his bachelor's degree in criminal justice and police administration from Ferris State University in 1974. He went on to serve in the Jackson County Sheriff's Department for eight years. His law enforcement duties included serving as an undercover narcotics investigator from 1974 to 1977 with the Region II Metro Squad. Senator Hoffman's nearly ten years in the Senate cap a legislative career that began with his election to the House of Representatives in 1982. During his legislative career, Phil Hoffman has been honored by diverse organizations which have recognized his efforts in law enforcement, higher education, commerce, hunting, and conservation; and

Whereas, Senator Hoffman has focused his interests on issues of vital importance to Michigan. He serves on the Hunting, Fishing and Forestry Committee, the Reapportionment Committee, and chairs the Transportation and State Police and Military Affairs Appropriations Subcommittees. He is the vice chairman of the Appropriations Subcommittee on Corrections and serves on the Higher Education and Natural Resources Subcommittees as well. He has also been entrusted by his colleagues with the position of Assistant President pro tempore of the Senate. Truly, Senator Hoffman has left a legacy of service; now, therefore, be it

Resolved by the Senate, That we honor Senator Phil Hoffman as he completes his terms of service in the Michigan State Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Hoffman as a tribute to his public service.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry, offered the following resolution:

Senate Resolution No. 306.

A resolution of tribute for the Honorable George Zaven Hart.

Whereas, The members of the Senate are privileged for this opportunity to laud the exemplary career of Senator George Z. Hart. As he brings to a close his years of public service as a lawmaker, we pay tribute to the contributions he made to the Legislature, his district, and to the entire state; and

Whereas, First elected to the Legislature in 1978, George Hart has served the constituents of his Wayne County district with a deep level of commitment. As sponsor of the child restraint law, Senator Hart's dedication and hard work in shepherding this bill through the legislative process have resulted in saving the lives of children across Michigan. For his work on this law, he received the Steer Wheel award from the Automobile Club of Michigan as the Outstanding Legislator of 1987; and

Whereas, Senator Hart has served on numerous committees during his legislative career, including Mental Health and Human Services, Farming, Argibusiness and Food Systems, Transportation and Tourism, and the Joint Committee on Administrative Rules. We honor Senator Hart as he concludes his service to the people of Michigan as a lawmaker; now, therefore, be it

Resolved by the Senate, That we honor Senator George Z. Hart as he brings to a close his service with the Michigan Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Hart as evidence of our best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 307.

A resolution of tribute to the Honorable Joel Gougeon.

Whereas, In recognition of his tremendous contributions to the citizens of his district and the entire state, it is an honor to recognize and thank our good friend, Senator Joel Gougeon. Over the past decade, he has served most capably as a member of this legislative body, providing us the benefit of his education, his professional accomplishments, and his capacity for hard work; and

Whereas, A native of Bay City, Joel Gougeon worked his way through General Motors Institute by co-oping at the Saginaw Valley Malleable Iron Foundry, earning a degree in mechanical engineering in 1966. He subsequently enlisted in the U.S. Air Force, flying 197 night combat missions in Vietnam. His valorous service earned him two Distinguished Flying Crosses and fourteen Air Medals; and

Whereas, A successful businessman and civic and community leader, Joel Gougeon was elected to the Senate in a special election in 1993 and has been returned to this post in each subsequent election. Over the course of his years in office, he has come to be highly regarded as a particularly effective legislator, one well-versed in the issues facing our state, and possessing the ability to envision solutions to problems and create opportunities. As a member of the Appropriations Committee, among others, he has played a key role in allocating the resources of this state to areas where they could provide the greatest benefit. Clearly, an individual with such an enviable record merits nothing less than our unqualified praise; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby unite in expressing to our friend and colleague, Senator Joel Gougeon, our sincere best wishes as he concludes his distinguished tenure of effective leadership; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Gougeon as evidence of our best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 308.

A resolution of tribute for the Honorable Harry Gast.

Whereas, It is an honor to extend our congratulations to Senator Harry Gast on the occasion of his conclusion of six terms in the Michigan Senate. His tenure as chair of the Appropriations Committee has been a great asset to the people of Michigan during budget deliberations through the years. He also serves on the Natural Resources and Environmental Affairs Committee and is the chair of the Senate Fiscal Agency Board of Governors. His imprint on the budget and environmental issues, based on his years of experience, will outlast his tenure in the Legislature and will benefit the state for years to come; and

Whereas, Prior to his election to the Senate, Harry Gast served the public as Lincoln Township's supervisor and treasurer and as a member of both the County Board of Public Works and County Board of Health. Senator Gast's legislative career began with his election to the House of Representatives in 1970. In the House, he served on the Taxation, Towns and Counties, Conservation, and Elections Committees. He served his district well, and his constituents expressed their confidence in Harry Gast by electing him to the Senate in 1978; and

Whereas, The trust that his constituents displayed in his leadership by re-electing Harry Gast for three decades is a remarkable tribute to his commitment to lawmaking. His legislative record is matched by the honors he received from constituent groups which expressed their appreciation for his hard work. Law enforcement, agricultural, environmental, and educational organizations paid tribute to Senator Gast through the years. His interest in his community led him to continue his local involvement in such diverse areas as the Farm Bureau, Lions Club, and Honorary Jaycees. Truly, public service is second nature to Harry Gast; now, therefore, be it

Resolved by the Senate, That we honor Senator Harry Gast as he completes his service with the Michigan State Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Gast as a tribute to his dedication to the people of Michigan.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 309.

A resolution for the Honorable Joanne G. Emmons.

Whereas, With her retirement from the Michigan Senate, Senator Joanne Emmons is bringing to a close a distinguished chapter in her life of unselfish public service. It is most appropriate for us to recognize her outstanding leadership of this legislative body and to thank her for her hard work and commitment; and

Whereas, A native of Big Rapids and a graduate of Michigan State University, Joanne Emmons has devoted herself to community involvement throughout her life. She has channeled her talents and energies through a host of positions in local government and numerous civic and community organizations. She served for ten years as Big Rapids Township treasurer and held many posts on community health and mental health boards; and

Whereas, Joanne Emmons brought her deep understanding of local government operations and issues to Lansing with her 1986 election to the House of Representatives. Following two terms in the House, she came to the Michigan Senate in 1991. Senator Emmons has been a major contributor to debates on many issues, including through her committee responsibilities. Most recently, she has put her knowledge and experiences to good use as the chair of the Finance Committee and as a member of the Reapportionment Committee and the Legislative Council. Her understanding of public policy and the intricacies of the legislative process propelled her to a leadership post as the Senate Majority Floor Leader for the Ninety-first Legislature, where she has been most effective; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Joanne G. Emmons for her notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Emmons as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 310.

A resolution for the Honorable Mat J. Dunaskiss.

Whereas, The members of this legislative body are proud to offer this expression of our thanks and best wishes to Senator Mat Dunaskiss as he brings to a close his tenure of service and accomplishment as a legislator. With his wide-ranging interests in public policy and his commitment to finding effective solutions to the issues facing our state, he has had a significant impact on Michigan, its institutions, and its citizens for more than two decades; and

Whereas, A native of Pontiac who earned his bachelor's and master's degrees at the University of Michigan, Mat Dunaskiss has worked on behalf of the people of Oakland County in numerous capacities. An educator with the Hartland Community Schools and the Orion Community Schools, he has been involved in several key civic and service groups and initiatives. This background led him to local government and service with the Oakland County Commission; and

Whereas, Mat Dunaskiss brought his energies and ideas to the legislative process in Lansing in 1981, with the first of his five terms in the House of Representatives. In 1990, he came to the Michigan Senate, where he has been integral

to debates on several emerging issues, including telecommunications and electricity deregulation. Most recently, he has served as the chair of the Technology and Energy Committee and the Senior Citizens and Veterans Affairs Committee and as a member of the Natural Resources and Environmental Affairs, Human Resources and Labor, Financial Services, and the Michigan Capitol Committees; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Mat J. Dunaskiss for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Dunaskiss as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 311.

A resolution for the Honorable Christopher Dingell.

Whereas, It is with great appreciation for his outstanding service to the people of Michigan over the past sixteen years that we honor and thank our colleague Senator Chris Dingell as he brings to a close his tenure as a lawmaker. With his knowledge, public-mindedness, and conscientiousness, he has contributed significantly to the progress of our state through the legislative process; and

Whereas, A gentleman from a family with a well-established tradition of unselfishness in elective service, Chris Dingell brought a unique perspective to the Michigan Senate following his 1986 election. In addition to his credentials as a graduate of the University of Michigan and the Detroit College of Law and his background as an engineer and attorney, he came to Lansing with a very personal understanding of the sacrifices and relationships that are necessary for a public official to serve others effectively; and

Whereas, Over the years, Senator Dingell has approached his responsibilities with thoughtfulness and thoroughness. His insights have been invaluable in floor debates and in committee activities, including the Judiciary Committee. He has also brought an experienced voice to the work of the Appropriations Committee, especially the subcommittees on the Career Development Strategic Fund Agency, the Judiciary, State Police and Military Affairs, and Retirement. Clearly, the impact of his talents and energies has been felt not only in his Downriver district, but also across the entire state of Michigan; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Christopher Dingell for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Dingell as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 312.

A resolution of tribute for the Honorable Ken DeBeaussiaert.

Whereas, As Senator Kenneth DeBeaussiaert departs from the Michigan Senate after two terms of service, it is a privilege to congratulate him. Senator DeBeaussiaert has championed environmental concerns during his tenure and a host of other issues of great interest to our citizens. His insights and counsel have made him a valuable resource for the Michigan Legislature and our state; and

Whereas, Ken DeBeaussiaert has a long history of public service. He graduated from Oakland University with a bachelor's degree in political science in 1976. Only two years later, with the experience of working on constituent services for United States Representative David Bonior, Ken DeBeaussiaert won election to the Michigan House of Representatives. During his time in the House, Representative DeBeaussiaert chaired the Consumers Committee and the Marine Affairs and Port Development Committee. In 1984, Ken DeBeaussiaert was named to the Great Lakes Commission, eventually being elected vice chairman. After leaving the House in 1992, Mr. DeBeaussiaert worked as district representative for Congressman Sander Levin; and

Whereas, During Senator DeBeaussiaert's two terms in the Senate, he has served on the Appropriations Subcommittees on Environmental Quality, Natural Resources, School Aid, and Community Colleges. His expertise was also critical to the work of the Reapportionment and Local, Urban and State Affairs Committees. He was recognized as Environmentalist of the Year in 1998 by the Michigan Sierra Club, and in 1999, earned the Johanna Roskopp Award from the Clinton Watershed Council for his leadership on Lake St. Clair concerns. We are pleased to congratulate Senator Ken DeBeaussiaert for his commitment to his community and state; now, therefore, be it

Resolved by the Senate, That we honor Senator Ken DeBeaussaert as he completes his terms of service in the Michigan State Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator DeBeaussaert as a tribute to his public service.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 313.

A resolution of tribute for the Honorable Dianne Byrum.

Whereas, We are pleased to honor Senator Dianne Byrum as she brings to a close her distinguished tenure in the Michigan Senate. Her intelligence, forthrightness, and passion for public service have earned her the respect of her colleagues and constituents; and

Whereas, After graduating from Lansing Community College and Michigan State University, Dianne Byrum served as an Ingham County Commissioner for eight years and chaired the Ingham County Board of Commissioners Law and Courts Committee for three years. As an owner and operator of two successful retail hardware stores and as a long-time member of the Lansing Regional Chamber of Commerce, she has clearly articulated the concerns of small business owners. In fact, she was appointed to the White House Conference on Small Business by President Bill Clinton; and

Whereas, From 1991 to 1994, Dianne Byrum served in the House of Representatives and was elected to the Senate in 1995. During the Ninety-first Legislature, she served as the minority vice chair of the Health Policy Committee, as well as a member on the Government Operations Committee, the Farming, Agribusiness and Food Systems Committee, and the Technology and Energy Committee. Her numerous legislative accomplishments include sponsoring legislation requiring private insurers and HMOs to provide diabetes insurance coverage, the anti-stalking law, and increasing the penalties for various explosive crimes. Further, Senator Byrum chaired the Michigan Task Force on Voting Reform; now, therefore, be it

Resolved by the Senate, That we honor Senator Dianne Byrum as she concludes her service with the Michigan Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Byrum as a tribute to her dedication to public service.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 314.

A resolution of tribute for the Honorable Bill Bullard, Jr.

Whereas, It is with deep respect for his exemplary legislative service that the Michigan Senate pays tribute to Senator Bill Bullard, Jr., as he completes his career in the Senate. His interests in tax, health, education, and local government issues have been greatly valued by his colleagues, who have placed him in leadership positions throughout his legislative career; and

Whereas, Bill Bullard earned his bachelor's degree from the University of Michigan and graduated from the Detroit College of Law in 1971. He gained experience on a wide range of legal subjects through his many years as a practicing attorney. Indeed, he remains a sole practitioner retaining practical experience with the law and is admitted to practice before the United States Supreme Court and lower federal courts. He entered government service in 1978 as a Highland Township trustee. In 1980, he became the township's supervisor, and in 1982, Bill Bullard came to the Michigan Legislature when he was elected to the House of Representatives. His constituents returned him to the Legislature six more times, where he eventually chaired the House Taxation Committee and served in numerous leadership positions; and

Whereas, In 1996, Bill Bullard became Senator Bullard after winning a special election. He has put his energies into his roles as the chair of both the Financial Services Committee and the Transportation and Tourism Committee. He also serves on the Hunting, Fishing and Forestry Committee and the Judiciary Committee. His work has earned him recognition from constituent groups, and he continues to be active in community, professional, and civic organizations. Truly, public service has been a life-long calling for Senator Bullard; now, therefore, be it

Resolved by the Senate, That we honor Senator Bill Bullard, Jr., for his distinguished tenure in the Michigan Senate; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Bullard as a tribute to his legislative career.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 315.

A resolution of tribute to the Honorable Loren Bennett.

Whereas, The members of this legislative body are proud to laud Senator Loren Bennett for his excellent tenure of public service with the Michigan Senate. A lifelong resident of Canton Township, Mr. Bennett had been actively involved in local politics. Prior to joining the Legislature, he served for nine years as a Canton Township trustee and for six years as the Canton Township clerk; and

Whereas, In 1994, Loren Bennett was elected to the Senate and four years later his caucus selected him to serve as the Assistant Majority Leader. In the Ninety-first Legislature, Senator Bennett chaired both the Appropriations Subcommittee on Consumer and Industry Services and the Education Committee, and vice chaired the Detroit Metro Airport Review Committee; and

Whereas, Loren Bennett has earned a reputation as a staunch conservationist. As the past chair of the Natural Resources and Environmental Affairs Committee, he sponsored legislation creating Michigan's Nickel-Cadmium Battery Recycling Program, co-sponsored legislation prohibiting the harassment of anglers and hunters, and co-sponsored legislation to fund the cleanup of "orphan" sites (properties found contaminated with no liable party). Moreover, Senator Bennett sponsored legislation making residency requirements for municipal employees illegal; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute as a token of our gratitude to the Honorable Loren Bennett as he brings to a close his career in this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Bennett as evidence of our admiration and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 316.

A resolution of tribute to the Honorable John D. Cherry, Jr.

Whereas, In recognition of an outstanding twenty-year tenure of service in the Michigan Legislature, it is a privilege for the members of this legislative body to salute Senator John D. Cherry, Jr., as he brings to a close his career in the Senate. John Cherry served his constituents and the people of the state of Michigan with the utmost distinction. Moreover, for the past six years, he has had the privilege of serving as the Minority Leader of the Senate; and

Whereas, John Cherry is a distinguished graduate of the University of Michigan and received his master's degree at the University of Michigan-Flint. He began his career in the legislative arena with the House of Representatives in 1983. He was elected to the Senate in 1986, and has served on the Committee on Labor, the Legislative Council, the Government Operations Committee, the Joint Committee on Administrative Rules, the Senate Fiscal Agency Board of Governors, and the Transportation and Energy Committee, among others. In these, and in all of his endeavors with the Michigan Senate, John D. Cherry, Jr., has personified the spirit of public service; and

Whereas, Indeed, from the regulation of underground storage tanks to efforts on behalf of the working men and women of Michigan, few areas of life in this Great Lakes state have gone untouched by the hard work and concern of John Cherry. We can be sure that his efforts will long continue to benefit the people of this state and the traditions of this legislative body; now, therefore, be it

Resolved by the Senate, That the highest accolade of tribute be extended to the Honorable John D. Cherry, Jr., for his excellent record of service with the Michigan Senate; and be it further

Resolved, That a copy of this resolution be presented to John Cherry as evidence of our esteem and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 317.

A resolution for the Honorable Dan L. DeGrow.

Whereas, With his departure from the Michigan Legislature after twenty-two years of outstanding leadership, Senator Dan DeGrow is bringing to a close a most impressive tenure of commitment to the people of this state. His

integrity, conviction, and energy have been fundamental to the effectiveness of our state's legislative branch of government, especially over the past several years. He leaves the Michigan Senate with the respect and gratitude of colleagues and staff across political, geographic, and philosophical boundaries; and

Whereas, Dan DeGrow, who earned his bachelor's degree from Michigan State University and his juris doctorate at Wayne State University, came to the Michigan House of Representatives following his 1980 election. Since that time, he established himself not only as a strong voice for the people of the Port Huron area, but also as a thorough and decisive policymaker. Elected to the Senate in 1982, he has been a key part of virtually all major initiatives since that time, especially in the areas of education and education financing reforms; and

Whereas, With his clear abilities and firm grasp of the legislative process, Dan DeGrow was selected as the Majority Floor Leader in 1995 and became the Senate Majority Leader in 1999. The trust of his fellow lawmakers has been well placed, for he has provided excellent leadership during the institution's adjustment to the realities of term limits and many other challenges. He has taken risks to ensure the highest standards of public service for the people of this state. Clearly, his strong positive impact will long be felt; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank the Honorable Dan L. DeGrow for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Senator DeGrow as evidence of our gratitude and best wishes.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senator DeGrow offered the following resolution:

Senate Resolution No. 318.

A resolution of tribute offered as a memorial for Stanley F. Rozycki.

Whereas, The members of the Michigan Senate were saddened to learn of the passing of Stanley F. Rozycki, who served as a member of this legislative body for two decades. His lifelong commitment to good government and the service of others leaves a legacy that will long be appreciated in our state. We join with others in Detroit and Lansing in expressing our condolences to his family; and

Whereas, A native of Detroit, Stanley Rozycki was very proud of his family's well-regarded business, Fireside Printing and Publishing, which he headed for 50 years. The same sense of hard work, integrity, and attention to detail that made the business successful for a century were qualities Mr. Rozycki brought with him to public life as a legislator. He was first elected to the Michigan Senate in a special election in May 1955 and served with distinction until 1974; and

Whereas, As a lawmaker, Senator Rozycki was a straightforward gentleman and tireless advocate of efficiency and accountability in government. A true watchdog for the public, seeking to eliminate wasteful spending, Senator Rozycki was an independent voice for his northeast Detroit district. A highlight of his legislative career was his work heading the Governmental Efficiency Committee, which had a notable impact in identifying policy areas and programs where the state needed to make changes. He also was a champion of economic development strategies. As a member of the Appropriations Committee, he was known for his thoroughness in attending to every detail in the spending of the public's money; and

Whereas, Senator Rozycki served our state during an era of remarkable change. He came to the Capitol while Michigan operated under the 1908 Constitution and left as our state was facing major adjustments in our economy in the mid 1970s. His hard work and unwavering conscientiousness benefited this state in many ways throughout this period; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor the memory of Stanley F. Rozycki, a member of this legislative body from 1955 to 1974; and be it further

Resolved, That a copy of this resolution be transmitted to the Rozycki family as evidence of our lasting respect for his memory.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senator Stille offered the following resolution:

Senate Resolution No. 319.

A resolution honoring the 2002 Grand Valley State University Football Team.

Whereas, It is a great personal privilege and an honor to salute the Grand Valley State University Football Team on the eve of their appearance in the National Collegiate Athletic Association's Division II championship game. The Grand Valley Lakers head into the game ranked as the No. 1 team in the nation, as champions of the Great Lakes Intercollegiate Athletic Conference (GLIAC) and as winners of their first, second, and third round playoff games, defeating by convincing scores three highly regarded conference leaders from across the nation; and

Whereas, The 2002 Lakers reprise their championship game appearance of 2001, in which the Lakers lost 17-14 in the last 29 seconds of play; and

Whereas, The Grand Valley Lakers are the only GLIAC team ever to have made it to the final round Division II championship; and

Whereas, The Lakers, under Head Coach Brian Kelly, have an unbeaten regular season record; and

Whereas, Laker quarterback Curtis J. Anes is a finalist for the Harlon Hill Trophy, awarded to the best Division II player in the nation; and

Whereas, Anes, wide receiver David Kirkus, and running back Reggie Spearmon have brought individual records and enviable sportsmanship to the team; now, therefore, be it

Resolved by the Senate, That we hereby offer unanimous praise and tribute to Coach Kelly and the 2002 Laker Football Team; and be it further

Resolved, That a copy of this resolution be transmitted to Coach Kelly and the Grand Valley Lakers as evidence of our admiration and esteem.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

House Concurrent Resolution No. 84.

A concurrent resolution honoring James K. Haveman, Jr., Director of the Michigan Department of Community Health

Whereas, James K. Haveman, Jr., was appointed by Governor John Engler as Director of the Michigan Department of Community Health when it was created by an Executive Order in 1996 and was appointed Director of the Michigan Department of Mental Health by Governor Engler effective on January 1, 1991; and

Whereas, James K. Haveman, Jr., is a long-time health-care executive for the state of Michigan and with a fiscal year 2003 gross appropriation of \$9.2 billion and approximately 4,889 employees, the Michigan Department of Community Health is responsible for health policy and management of Michigan's publicly funded health systems. Services are planned and delivered through six integrated components; and

Whereas, The Medical Services Administration provides Medicaid health care coverage for 1.1 million Michigan residents. Mental health and substance abuse services are provided through contracts with 49 community mental health boards and 15 substance abuse coordinating agencies throughout Michigan; and

Whereas, The Community Public Health Agency contracts with 45 local public health departments that assess health needs, promote and protect health, prevent disease, and assure access to appropriate care for all citizens; and

Whereas, The Office of Drug Control Policy administers federal funds in Michigan for drug law enforcement, treatment, education, and prevention programs; and

Whereas, The Office of Services to the Aging promotes independence and enhances the dignity of Michigan's older persons and their families through advocacy, leadership, and innovation in policies, programs and services; and

Whereas, The Michigan Crime Victim Services Commission administers the crime victim rights fund, investigates and processes applications for crime victim compensation, and administers federal Victim of Crime Act grants; and

Whereas, Nominated by Governor John Engler, James K. Haveman, Jr., received the National Governors' Association Distinguished Service award in 1997. Congratulating him on the award, Governor Engler said Haveman's commitment to public service is distinguished by his willingness to embrace change and his unwillingness to accept mediocrity. "More than anything," said Engler, "he is a problem solver, a public servant who quickly responds to challenges with creativity, compassion, and insight."; and

Whereas, In May of 2000, James Haveman received the Distinguished Alumni Award from Calvin College. The award honors Calvin alumni who have made a significant contribution in their field and who are recognized by peers for outstanding achievement. James Haveman served from 1985 to 1990 as Executive Director of the Grand Rapids based Bethany Christian Services, one of the nation's largest adoption and child welfare agencies. Prior to his work at Bethany, he was Executive Director of the Kent County Community Mental Health in Grand Rapids from 1978 to 1985. From 1971 until 1978, James Haveman was the Executive Director of Project REHAB in Grand Rapids, a substance abuse treatment agency with several programs throughout Michigan. A social worker by training, Mr. Haveman is a 1966 graduate of Calvin College. He earned his master's degree in social work from Michigan State University; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor James K. Haveman, Jr., Director, Michigan Department of Community Health; and be it further

Resolved, That a copy of this resolution be transmitted to James K. Haveman, Jr., as a token of our admiration for all his work.

The House of Representatives has adopted the concurrent resolution.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

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

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator North 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 amendments, the following bill:

House Bill No. 5734, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 1, 2, and 4 (MCL 207.211, 207.212, and 207.214), sections 1 and 4 as amended by 2000 PA 406 and section 2 as amended by 1996 PA 584.

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

1. Amend page 7, following line 5, by inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2003."

2. Amend page 7, line 6, after "Enacting section" by striking out "1" and inserting "2".

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:

House Bill No. 5735, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 3, 5, 8, 37, 38, and 92 (MCL 207.1003, 207.1005, 207.1008, 207.1037, 207.1038, and 207.1092); and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 21, following line 20, by inserting:

"Enacting section 3. This amendatory act takes effect April 1, 2003."

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.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 7:41 p.m.

7:47 p.m.

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

Senator Emmons moved that when the Senate adjourns today, it stand adjourned until Friday, December 13, at 10:00 a.m.

The motion prevailed.

Committee Reports

The Committee on Judiciary reported

House Bill No. 5978, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," (MCL 801.1 to 801.27) by adding section 4b.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Schuette, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 6028, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a).

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Schuette, Bullard, Peters and Dingell

Nays: Senator Scott

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

The Committee on Judiciary reported

House Bill No. 6337, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 5b, 5c, 5d, 5f, 5j, 5l, and 5o (MCL 28.425b, 28.425c, 28.425d, 28.425f, 28.425j, 28.425l, and 28.425o), as added by 2000 PA 381.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Schuette, Bullard and Dingell

Nays: Senator Scott

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

Scheduled Meetings

Conference Committees -

Health Facilities Certificate of Need (SB 1436) - Friday, December 13, 9:00 a.m., Elijah Myers Room, Capitol Building (373-0793)

Torts Limitations on Liability of Private Facilities (SB 380) - Friday, December 13, 9:30 a.m., Rooms 402 and 403, Capitol Building (373-5103)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 7:50 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Friday, December 13, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.