

No. 26
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, March 20, 2002.

10:00 a.m.

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

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

Tomorrow and the next day mark the spring equinox. In terms of weather patterns, the sun has now moved from the Tropic of Capricorn up to the equator. Equinox means equal night and equal day or equal light and equal darkness. This season is the spring season, the rebirth, the beginning of the planting season, the blooming of the flowers, and the growth of our crops. Let us take a cue this morning from the equinox and cast at least as much light as we do darkness on the issues. Amen.

Senator Goschka entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senator Schwarz be temporarily excused from today's session.
The motion prevailed.

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

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

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 the 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 10:04 a.m.

10:13 a.m.

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

During the recess, Senators Emmons and Byrum introduced to the Senate the Lansing Catholic Central High School Varsity Cheer Team, 2002 Class B State Champions, and presented Coach Jodi Boehringer with Senate Resolution No. 188. Coach Boehringer responded briefly.

During the recess, Senators Young and Schwarz entered the Senate Chamber.

Senator Young stated that had he been present when the vote was taken on March 19 on concurring in the House substitute to the following bill, he would have voted "yea":

Senate Bill No. 1100

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:18 a.m.

11:07 a.m.

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

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

Senate Bill No. 1201

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 by Blue Cross and Blue Shield from the Gallery.

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

Senator Emmons moved that the enrollment be vacated on the following bill:

Senate Bill No. 385

The motion prevailed.

The bill was placed on the order of Messages from the House.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 19:

House Bill Nos. 5643 5644 5649

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 19, for his approval the following bills:

Enrolled Senate Bill No. 690 at 2:34 p.m.

Enrolled Senate Bill No. 887 at 2:36 p.m.

Enrolled Senate Bill No. 889 at 2:38 p.m.

Enrolled Senate Bill No. 892 at 2:40 p.m.

Enrolled Senate Bill No. 896 at 2:42 p.m.

Messages from the Governor

The following message from the Governor was received on March 14, 2002, and read:

EXECUTIVE ORDER

No. 2002 - 4

Michigan Commission on Asia in the Schools Department of History, Arts, and Libraries

Whereas, Americans meet both opportunities and challenges in a global community that is increasingly interconnected; and

Whereas, Michigan residents and their children, who must compete and thrive in such an interconnected world, will find it crucial to learn about the peoples, the cultures and the economies in Asia, the most rapidly changing region of the world; and

Whereas, According to the Asia Society report *Asia in the Schools: Preparing Young Americans for Today's Interconnected World*, most Americans learn very little about Asia in our schools; and

Whereas, Defense Department research indicates that the United States is failing to graduate enough students with expertise in foreign language, foreign cultures and the policy concerns of foreign nations - especially Asian countries - to meet the demands of business, government and our universities; and

Whereas, While many teachers, administrators and policymakers responsible for elementary and secondary education recognize the need to educate our students about world affairs and other cultures, many schools lack the know-how and support necessary to provide such instruction; and

Whereas, Michigan's exports to Asia exceed \$3.2 billion.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

A. "Commission" means the Michigan Commission on Asia in the Schools established by this Executive Order.

B. "Department" means the Department of History, Arts, and Libraries, the principal department of state government created by Section 3 of Act No. 63 of the Public Acts of 2001, being Section 399.703 of the Michigan Compiled Laws.

II. ESTABLISHMENT OF THE MICHIGAN COMMISSION ON ASIA IN THE SCHOOLS

A. The Michigan Commission on Asia in the Schools is hereby established within the Department of History, Arts, and Libraries as a Type II entity as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The commission shall consist of fifteen (15) members. Members of the commission shall be appointed by the Governor and shall serve during the existence of the commission, which shall complete its work no later than 120 days after the commission's first meeting.

C. Any vacancy on the commission shall be filled in the same manner as the original appointment.

III. CHARGE TO THE COMMISSION

The commission shall be advisory in nature and shall assist the Governor and the Department with the following functions:

A. The commission shall conduct a survey of Michigan's available resources on Asia, both human and material, to examine how these resources could be used to further Michigan's education and business understanding of Asia.

B. The commission shall complete an academic review of current curricular efforts employed to teach students about Asia.

C. The commission shall identify and publish best practices used in schools, school districts, and communities to comprehensively educate Michigan residents on Asia.

IV. OPERATIONS OF THE COMMITTEE

A. The Governor shall designate one (1) member of the commission to serve as chairperson. This member shall serve as chair at the pleasure of the Governor.

B. The commission may adopt procedures, not inconsistent with law and with this Order, governing its organization, operation and procedure.

C. Members of the commission shall not delegate their responsibilities to other persons. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The commission shall act by a majority vote of its serving members.

D. The commission shall meet at the call of the chairperson and as may be provided in the procedures of the commission. Meetings of the commission may be held at any location within the state of Michigan.

E. The commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The commission may consult with outside experts in order to perform its duties.

F. Members of the commission shall serve without compensation. Members of the commission may receive reimbursement for necessary travel and expenses according to relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

G. The Department may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the performance of the Commission's duties, as the Department Director deems appropriate. Such procurements shall be in accordance with the relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

H. The commission may apply for, receive and expend monies from any source, public or private, including but not limited to, gifts, grants, donations of monies and government appropriations. The commission may also accept donations of labor, services or other things of value from any public or private agency or person.

I. Members of the commission shall refer all legal, legislative and media contacts to the Department.

J. The commission shall be staffed by personnel within the Department and the Executive Office of the Governor.

K. All departments, committees, commissioners or officers of the state or of any political subdivision thereof shall give to the commission, or to any member or representative thereof, any necessary assistance required by the commission, or any member of representative thereof, in the performance of the duties of the commission so far as is compatible with its, his or her duties; free access shall also be given to any books, records or documents in its, his or her custody, relating to matters within the scope of inquiry, study or investigation of the commission.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 14th day of March, in the Year of our Lord, Two Thousand Two.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received and read:

March 19, 2002

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Michigan Exposition and Fairgrounds Advisory Council

Ms. Kathleen Ligocki, 777 Pleasant, Birmingham, Michigan 48009, county of Oakland, as a member representing the general public, succeeding Ms. Beverly B. Smith of Detroit, whose term has expired, for a term expiring on June 20, 2004.

Sincerely,
John Engler
Governor

The appointment was referred to the Committee on Government Operations.

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 President pro tempore, Senator Schwarz, designated Senator Garcia 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:

Senate Bill No. 1066, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 1990 PA 304.

Senate Bill No. 1086, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending section 2 (MCL 41.722), as amended by 1995 PA 139.

Senate Bill No. 1167, entitled

A bill to amend 1967 PA 266, entitled "An act to authorize and provide for the issuance of notes of the state, including refunding notes and commercial paper; to provide funds to meet obligations incurred pursuant to appropriations for fiscal years; to provide for the payment of such notes from revenues received during the same fiscal years; and to exempt certain notes and interest on those notes from taxation," by amending section 4 (MCL 17.454).

Senate Bill No. 1168, entitled

A bill to amend 1974 PA 370, entitled "Vietnam veteran era bonus act," by amending section 15 (MCL 35.1035).

Senate Bill No. 1169, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 22 and 25 (MCL 125.1422 and 125.1425), section 22 as amended by 1999 PA 131 and section 25 as amended by 1993 PA 220.

Senate Bill No. 1170, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 23 and 47 (MCL 125.2023 and 125.2047), section 23 as amended by 1987 PA 278.

Senate Bill No. 1171, entitled

A bill to amend 1982 PA 220, entitled "Michigan family farm development act," by amending section 13 (MCL 285.263), as amended by 1983 PA 68.

Senate Bill No. 1172, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending sections 8 and 8a (MCL 331.8 and 331.8a), section 8a as amended by 1980 PA 104; and to repeal acts and parts of acts.

Senate Bill No. 1173, entitled

A bill to amend 1969 PA 38, entitled "Hospital finance authority act," by amending sections 12 and 42 (MCL 331.42 and 331.72), section 12 as amended by 1994 PA 428 and section 42 as amended by 1992 PA 302; and to repeal acts and parts of acts.

Senate Bill No. 1174, entitled

A bill to amend 1969 PA 295, entitled "Higher education facilities authority act," by amending section 6 (MCL 390.926), as amended by 1982 PA 409.

Senate Bill No. 1175, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 5 (MCL 390.1155), as amended by 1984 PA 259.

Senate Bill No. 1176, entitled

A bill to amend 1976 PA 289, entitled "An act to implement, clarify, and confirm the constitutional powers of the bodies corporate controlling those institutions of higher education named in sections 4, 5, and 6 of article 8 of the state constitution of 1963, or established by law as therein provided, regarding the establishment and financing of student loan programs," by amending section 2 (MCL 390.1352).

Senate Bill No. 1177, entitled

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 8 (MCL 830.418), as amended by 1997 PA 127.

Senate Bill No. 1178, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending section 9 (MCL 141.1059), as amended by 1988 PA 316.

Senate Bill No. 1179, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19603 (MCL 324.19603), as added by 1998 PA 288.

Senate Bill No. 1180, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 50510 (MCL 324.50510), as added by 1995 PA 57.

Senate Bill No. 1181, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 71503 (MCL 324.71503), as amended by 1995 PA 72.

Senate Bill No. 1182, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76703 (MCL 324.76703), as amended by 2001 PA 78.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 717, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 19 (MCL 125.1519).

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5211, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 19 (MCL 211.19), as amended by 1996 PA 126.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 380, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2972 and 2973.

Substitute (S-4).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1201, entitled

A bill relative to the reporting of the issuance of certain debt and securities; to prescribe powers and duties of certain departments, agencies, officials, and employees; to impose certain duties; and to authorize the issuance and refunding of certain debt and securities.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5216, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 770, 770a, 771, 773, and 794a (MCL 168.2, 168.31, 168.770, 168.770a, 168.771, 168.773, and 168.794a), section 2 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, and section 794a as amended by 1995 PA 261, and by adding section 37; and to repeal acts and parts of acts.

Substitute (S-4).

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

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

"Sec. 971. (1) If the recall was successful, the officer with whom the recall petition was filed shall, within 5 days after receiving the certification, submit to the county election scheduling committee a proposed date for a special election to be held within 60 days for the filling of the vacancy. If any primary or election is to be held in that electoral district within 4 months after the certification and at a time as will permit preparation for the election by election officials as provided by law, the election to fill the vacancy shall be held concurrently with that primary or election. The same provisions made in section 964 for calling and conducting of the recall election ~~shall~~ govern in the calling and conducting of the election to fill the vacancy created, except as otherwise provided in this section.

(2) If a petition is filed under section 959, the officer with whom the petition is filed shall not submit a proposed date to the county election scheduling committee, but shall call the special election subject to the same time limitations set out in this section.

(3) IF THE GOVERNOR APPOINTS A REVIEW TEAM UNDER THE LOCAL GOVERNMENT FISCAL RESPONSIBILITY ACT, 1990 PA 72, MCL 141.1201 TO 141.1291, TO PERFORM THE FUNCTIONS PRESCRIBED IN THAT ACT RELATIVE TO A CITY, TOWNSHIP, OR VILLAGE AND AN ELECTED OFFICIAL OF THE CITY, TOWNSHIP, OR VILLAGE WAS THE SUBJECT OF A SUCCESSFUL RECALL, THE OFFICER

WITH WHOM THE RECALL PETITION WAS FILED DOES NOT HAVE THE AUTHORITY TO PROPOSE A DATE FOR A SPECIAL ELECTION. IF THE REVIEW TEAM DESCRIBED IN THIS SUBSECTION IS APPOINTED AFTER THE OFFICER SUBMITS A PROPOSED SPECIAL ELECTION DATE OR THE COUNTY ELECTION SCHEDULING COMMITTEE SCHEDULES THE SPECIAL ELECTION AS REQUIRED BY SUBSECTION (1), BUT BEFORE THE ELECTION IS HELD, THE OFFICER'S OR COUNTY ELECTION SCHEDULING COMMITTEE'S ACTION BECOMES VOID WHEN THE REVIEW TEAM IS APPOINTED. WITHIN 5 DAYS AFTER THE REVIEW TEAM DESCRIBED IN THIS SUBSECTION REPORTS ITS FINDINGS TO THE GOVERNOR AS REQUIRED BY SECTION 14 OF THE LOCAL GOVERNMENT FISCAL RESPONSIBILITY ACT, 1990 PA 72, MCL 141.1214, THE REVIEW TEAM SHALL SUBMIT TO THE COUNTY ELECTION SCHEDULING COMMITTEE A PROPOSED DATE FOR THE SPECIAL ELECTION. A SPECIAL ELECTION SCHEDULED UNDER THIS SUBSECTION IS SUBJECT TO ALL OF THE OTHER PROVISIONS OF SUBSECTION (1).".

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 5216

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

By unanimous consent the Senate proceeded 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. 5216

Senate Bill No. 1102

Senate Bill No. 1104

Senate Bill No. 1106

Senate Bill No. 1101

House Bill No. 5328

House Bill No. 5400

House Bill No. 5486

Senate Bill No. 1009

Senate Bill No. 926

The motion prevailed.

The following bill was read a third time:

House Bill No. 5216, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 770, 770a, 771, 773, and 794a (MCL 168.2, 168.31, 168.770, 168.770a, 168.771, 168.773, and 168.794a), section 2 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, and section 794a as amended by 1995 PA 261, and by adding section 37; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Byrum moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1102, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

1. Amend page 21, following line 27, by inserting:

“Sec. 405. (1) By December 1, 2002, the department shall report to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies on the number of prisoners who have served the minimum number of years required by their sentences and who are therefore within the jurisdiction of the parole board. The report shall include, but not be limited to, the following:

(a) The number of prisoners serving parolable life terms within the jurisdiction of the parole board pursuant to MCL 791.234.

(b) The number of prisoners who have completed the minimum term of an indeterminate sentence and have been denied parole.

(c) The number of prisoners who have been granted parole but have not yet been released.

(d) The number of prisoners who have been released on parole but have had their parole revoked for a technical violation.

(e) The number of prisoners serving indeterminate terms who were released from prison after completing their maximum sentences in each year from 1990-2002.

(f) The average amount of time technical parole violators serve after being returned to prison.

(2) Information required by this section shall, where possible, be separated by age, gender, race, county of conviction, conviction offense(s), current security classification, number of years served beyond first parole eligibility date, number of years served since falling under parole board jurisdiction pursuant to MCL 791.234, preliminary and adjusted parole guidelines score, and the nature and number of technical violations committed.”.

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

Senator Emerson 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. 300

Yeas—14

Byrum
Cherry
DeBeaussiaert
Dingell

Emerson
Hart
Leland
Miller

Murphy
Peters
Schwarz

Scott
Smith
Young

Nays—23

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

Koivisto
McCotter
McManus
North
Sanborn
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

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. 301**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

House Bill No. 5216, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 770, 770a, 771, 773, and 794a (MCL 168.2, 168.31, 168.770, 168.770a, 168.771, 168.773, and 168.794a), section 2 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, and section 794a as amended by 1995 PA 261, and by adding section 37; and to repeal acts and parts of acts.

(This bill was a read a third time earlier today and consideration postponed. See p. 636.)

The question being on the passage of the bill,

Senator Emmons moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1104, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Smith moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1106, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

1. Amend page 23, following line 20, by inserting:

“Sec. 502. By April 1, 2003 and September 30, 2003, the department shall report to the state budget director, the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies on spending from the amounts appropriated in part 1 for bovine tuberculosis control efforts. The report shall include, but not be limited to, information on activities at the animal diagnostic laboratory at Michigan State University that are funded with appropriations in part 1.”.

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. 302

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1101, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

1. Amend page 92, following line 21, by striking out all of section 1684a.

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

Senator Emerson 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. 303**Yeas—17**

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Goschka
Hart
Hoffman
Koivisto

Leland
Miller
Murphy
Peters

Schwarz
Scott
Smith
Young

Nays—20

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Garcia
Gast
Gougeon
Hammerstrom
Johnson

McCotter
McManus
North
Sanborn
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Smith offered the following amendment:

1. Amend page 92, following line 21, section 1684, after “provided.” by inserting “If a nursing home that makes application for and receives the additional funding for the wage pass-through cannot document that these wage and benefit increases were actually provided, its reimbursement rate shall be reduced by 2.5%.”.

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

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

Senator Shugars offered the following amendments:

1. Amend page 63, following line 6, by inserting:

“(2) Coalitions, organizations, and programs that do not provide contraceptives to minors and demonstrate efforts to include parental involvement as a means of reducing the risk of teens becoming pregnant shall be given priority in the allocations of funds.” and renumbering the remaining subsection.

2. Amend page 63, line 8, after “(1)” by inserting “and criteria of subsection (2)”.

The question being on the adoption of the amendments,

Senator Shugars requested the yeas and nays.

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

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

Roll Call No. 304**Yeas—23**

Bennett
Bullard
DeGrow
Dingell
Dunaskiss
Emmons

Garcia
Goschka
Gougeon
Hammerstrom
Hoffman
Koivisto

McCotter
McManus
Miller
North
Sanborn
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—14

Byrum
Cherry
DeBeaussaert
Emerson

Gast
Hart
Johnson
Leland

Murphy
Peters
Schwarz

Scott
Smith
Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

Protests

Senators Schwarz and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Shugars to Senate Bill No. 1101.

Senator Schwarz's statement is as follows:

Once again, Mr. President, Right to Life has asked the Senate to line up at the precipice, hold hands, and jump off. Twenty-three of us just did.

Senator Smith moved that the statement she made during the discussion of the amendments be printed as her reasons for voting "no."

The motion prevailed.

Senator Smith's statement is as follows:

This is an amendment that tries to overcontrol what the federal government already adequately controls when it sends dollars for abstinence education to the state of Michigan. The federal government sends language in that says people who apply for this program and who teach abstinence-only programs may not teach anything about contraceptives. They can only teach family planning that abstinence before marriage is preferred and that sexual intercourse outside of marriage is not condoned. And any provider who applies for the abstinence-only money and teaches abstinence only must comply with those requirements of the federal legislation.

So what this bill does is it tries to penalize an entity that qualifies fully under the terms of the federal language that requires abstinence only, and put them at the bottom of a list because in another facet of their operation they provide family planning opportunities, information, and tools, if you will, like birth control pills, condoms, and other mechanisms for birth control. I think that is unreasonable. I think the federal language is sufficiently clear. I think when people apply for dollars for education programs under abstinence only, they understand what the restraints are, and they abide by them because they are audited. I urge my colleagues to reject the amendment.

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. 305**Yeas—37**

Bennett
Bullard
Byrum
Cherry

Garcia
Gast
Goschka
Gougeon

Leland
McCotter
McManus
Miller

Schwarz
Scott
Shugars
Sikkema

DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Murphy
North
Peters
Sanborn
Schuette

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Garcia's statement is as follows:

As the previous speaker mentioned, this amendment would strip out the amendment that I put in yesterday. The amendment was submitted yesterday to protect workers. We have seen cases where the wage pass-throughs that we've passed before have been reduced significantly, and all I wanted to do was make sure that the worker actually saw the benefit of the wage pass-through.

So I urge my members to defeat this amendment and protect workers and let them choose how they want to spend their money.

Senator Gougeon's statement is as follows:

As all of my colleagues know and you who may be watching now, the bill before us funds the Department of Community Health at some \$9.5 billion for the year 2002-03. The bill before us has been increased by some \$320 million in gross appropriations from that which was presented by the administration just a month or so ago, and there's a reason for that. The reason is that the colleagues who I work with in this Legislature—and I know those in the House—have put health care as a very high priority in this state. We've made a statement with this budget that health care is important to us. As I said yesterday, for every needy citizen, whether they be in the urban areas of Detroit or the most rural areas of the Upper Peninsula, we've made a strong statement here that health care is important, whether you're the youngest child and you're sexually abused or your mom needs help with the pregnancy or whether you're a senior citizen in a nursing home.

We've made a strong statement in this budget that hospitals and their availability for the citizens of this state are very important to us, and we've tried to strengthen them. We've made a very strong statement in this budget that doctors are extremely important to us and encouraging their location in the state of Michigan is important to us and encouraging their location especially in the rural areas in the state of Michigan is important to us. With the available resources that we have, I know many have blinked an eye in saying what a tremendous leap we have made this year in all those statements. But when you reflect what we have spent on health care in this past decade and you look at the line items that have received funding and the lack of increases those line items have received in more than a decade, it was the consensus of this committee and the consensus of those who have testified in some six weeks of testimony that the action that we took on this budget was highly needed.

Now, Mr. President, having said all that, let me say that this is the opening gambit for the Department of Community Health budget. The budget from here will go over to the House, from the House we may well have a conference committee, and the input of the administration will be welcomed.

We understand there is a large increase in the number of those who will need to be served on Medicaid, and that will have fiscal implications. We understand that there may well be a change in the number of dollars that we have to work with owing to the May revenue estimating conference. With that in mind, I would urge the body to reflect favorably on what we are proposing today, even though we've had long and hard discussions about hormones and tatoos and nose rings. The real elephant before us is serving more than a million citizens of this state—a million of the most needy citizens of this state—and I would welcome your approval of the proposal that we have before you in doing that.

The following bill was read a third time:

House Bill No. 5328, entitled

A bill to amend 1879 PA 237, entitled “An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land,” by amending section 6 (MCL 565.356), as added by 1998 PA 106.

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. 306

Yeas—37

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

Nays—0

Excused—1

Vaughn

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. 5400, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 5208 (MCL 500.5208), as amended by 1984 PA 267, and by adding section 407a.

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. 307

Yeas—37

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Miller
Murphy
North
Peters
Sanborn
Schuette

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5486, entitled

A bill to amend 1978 PA 59, entitled “Condominium act,” by amending sections 58, 67, 69, 71, 90, 90a, 108, 112, 135, 173, and 176 (MCL 559.158, 559.167, 559.169, 559.171, 559.190, 559.190a, 559.208, 559.212, 559.235, 559.273,

and 559.276), sections 58, 67, 69, 90, 108, 112, and 135 as amended and sections 90a and 176 as added by 2000 PA 379, section 71 as amended by 1982 PA 538, and section 173 as amended by 1983 PA 113; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 308**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

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.

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

A bill to amend 1978 PA 59, entitled “An act relative to condominiums and condominium projects; to prescribe powers and duties of the administrator; to provide certain protections for certain tenants, senior citizens, and persons with disabilities relating to conversion condominium projects; to provide for escrow arrangements; to provide an exemption from certain property tax increases; to impose duties on certain state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending sections 54, 58, 67, 69, 71, 90, 90a, 108, 112, 135, 173, and 176 (MCL 559.154, 559.158, 559.167, 559.169, 559.171, 559.190, 559.190a, 559.208, 559.212, 559.235, 559.273, and 559.276), sections 54, 58, 67, 69, 90, 108, 112, and 135 as amended and sections 90a and 176 as added by 2000 PA 379, section 71 as amended by 1982 PA 538, and section 173 as amended by 1983 PA 113; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 1009, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16611 (MCL 333.16611).

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. 309**Yeas—37**

Bennett
 Bullard
 Byrum
 Cherry
 DeBeaussaert
 DeGrow
 Dingell
 Dunaskiss
 Emerson
 Emmons

Garcia
 Gast
 Goschka
 Gougeon
 Hammerstrom
 Hart
 Hoffman
 Johnson
 Koivisto

Leland
 McCotter
 McManus
 Miller
 Murphy
 North
 Peters
 Sanborn
 Schuette

Schwarz
 Scott
 Shugars
 Sikkema
 Smith
 Steil
 Stille
 Van Regenmorter
 Young

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Senators Garcia, Hoffman, Sanborn, Gougeon, Goschka, McCotter, North, McManus, Stille, DeBeaussaert and Bennett moved that they be named co-sponsors of the bill.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 926, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending sections 5, 6, 7, and 8 (MCL 390.1455, 390.1456, 390.1457, and 390.1458).

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. 310**Yeas—37**

Bennett
 Bullard
 Byrum
 Cherry
 DeBeaussaert
 DeGrow
 Dingell
 Dunaskiss
 Emerson
 Emmons

Garcia
 Gast
 Goschka
 Gougeon
 Hammerstrom
 Hart
 Hoffman
 Johnson
 Koivisto

Leland
 McCotter
 McManus
 Miller
 Murphy
 North
 Peters
 Sanborn
 Schuette

Schwarz
 Scott
 Shugars
 Sikkema
 Smith
 Steil
 Stille
 Van Regenmorter
 Young

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

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

Senate Bill No. 1104, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(This bill was a read a third time earlier today and consideration postponed. See p. 638.)

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 27, following line 9, by inserting:

“(a) An estimate of the annual budget amount spent by the department for compliance inspection, monitoring, and enforcement of all permits and licenses issued by the department.” and relettering the remaining subdivisions.

2. Amend page 27, line 12, after “category” by inserting a comma and “the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee”.

3. Amend page 27, following line 19, by inserting:

“(e) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(f) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.” and relettering the remaining subdivision.

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

Senator Smith offered the following amendment:

1. Amend page 28, following line 23, by inserting:

“Sec. 402. From the funds appropriated in part 1, the department shall, through administrative rule, add to the atlas of critical dunes, those publicly owned dunes recommended in the publication “Final Report: Evaluation of Critical Dune Areas Designated Under Part 353 (Sand Dune Protection and Management) of the Natural Resources and Environmental Protection Act 1994 PA 451”.”.

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. 311**Yeas—37**

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

Senate Bill No. 451

Senate Bill No. 452

Senate Bill No. 730

Senate Bill No. 936

Senate Bill No. 940

Senate Bill No. 943

The motion prevailed.

Senate Bill No. 385, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 614, 617, and 1066 (MCL 380.614, 380.617, and 380.1066), section 614 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, and section 1066 as amended by 1995 PA 289.

Senator Emmons moved that the bill be given immediate effect.

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

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

Senator Emerson moved that Senator Murphy be temporarily excused from the balance of today's session.

The motion prevailed.

Senate Bill No. 930, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

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 1931 PA 328, entitled "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," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A; 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,

Senators Van Regenmorter and DeGrow offered the following amendments to the substitute:

1. Amend page 1, line 5, after the first "A" by striking out the balance of the line through "PREMEDITATED" on line 6 and inserting "WILLFUL AND DELIBERATE".

2. Amend page 4, line 3, after "BY" by striking out "THE" and inserting "A PREMEDITATED".

The amendments to the substitute were adopted.

Senators Van Regenmorter and DeGrow offered the following amendment to the substitute:

1. Amend page 6, following line 2, by striking out all of enacting section 2 and renumbering the remaining enacting section.

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. 312

Yeas—31

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

Nays—5

Emerson	Scott	Smith	Young
Leland			

Excused—2

Murphy	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.

Senate Bill No. 1107, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 11f, 11g, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 37, 38, 39, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 96, 98, 99, 107, 108, and 147 (MCL 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632d, 388.1637, 388.1638, 388.1639, 388.1641, 388.1651a, 388.1651c, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1698, 388.1699, 388.1707, 388.1708, and 388.1747), sections 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 98, 99, 107, and 147 as amended by 2001 PA 121 and sections 19, 37, 38, and 39 as amended and sections 96 and 108 as added by 2000 PA 297, and by adding sections 32i, 34, 39a, 51d, 55, 99a, and 121a; 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 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education;

to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 8, 11, 11f, 11g, 18, 18d, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32a, 32b, 32c, 32d, 32e, 32f, 32h, 37, 38, 39, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 96, 98, 99, 101, 105, 107, 108, and 147 (MCL 388.1606, 388.1608, 388.1611, 388.1611f, 388.1611g, 388.1618, 388.1618d, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632a, 388.1632b, 388.1632c, 388.1632d, 388.1632e, 388.1632f, 388.1632h, 388.1637, 388.1638, 388.1639, 388.1641, 388.1651a, 388.1651c, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1698, 388.1699, 388.1701, 388.1705, 388.1707, 388.1708, and 388.1747), sections 6, 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32a, 32b, 32c, 32d, 32e, 32f, 32h, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 98, 99, 107, and 147 as amended and section 18d as added by 2001 PA 121, sections 8, 19, 37, 38, 39, 101, and 105 as amended and sections 96 and 108 as added by 2000 PA 297, and section 18 as amended by 1999 PA 119, and by adding sections 18e, 21, 22, 32i, 39a, 51d, 55, 92, 93, 94b, 94c, 94d, 99a, and 121a; 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 concurring in the substitute made to the bill by the House,

Senator Emerson offered the following amendments to the substitute:

1. Amend page 100, line 22, after “\$4,212,000.00” by striking out “each fiscal year”.

2. Amend page 100, line 23, after “AND” by inserting “AN AMOUNT NOT TO EXCEED \$6,212,000.00” and adjusting the totals in section 11 and enacting section 1 accordingly.

The amendments to the substitute were not adopted.

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. 313

Yeas—2

Hart

Koivisto

Nays—34

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson
Leland

McCotter
McManus
Miller
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Excused—2

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Recess

Senator Emmons moved that the Senate recess until 2:00 p.m.
The motion prevailed, the time being 1:10 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:02 p.m.

2:15 p.m.

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

During the recess, Senator Murphy entered the Senate Chamber.

Senator Emmons moved that the Committee on Human Resources and Labor be discharged from further consideration of the following bill:

House Bill No. 5763, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 19, 20, 27, 29, 32, and 48 (MCL 421.19, 421.20, 421.27, 421.29, 421.32, and 421.48), section 19 as amended by 1996 PA 535, section 20 as amended by 1994 PA 162, section 27 as amended by 1995 PA 181, section 29 as amended by 1995 PA 25, section 32 as amended by 1996 PA 503, and section 48 as amended by 1983 PA 164, and by adding sections 13/ and 32b.

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

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

March 20, 2002

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the Conference Committee on SB1107:
Senator Stille (Chairperson)
Senator DeGrow
Senator DeBeaussaert

Sincerely,
Dan L. DeGrow
Senate Majority Leader

The communication was referred to the Secretary for record.

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. 5216, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 770, 770a, 771, 773, and 794a (MCL 168.2, 168.770, 168.770a, 168.771, 168.773, and 168.794a), section 2 as amended by 1999 PA 216 and section 794a as amended by 1995 PA 261, and by adding section 37; and to repeal acts and parts of acts.

(This bill was announced earlier today and consideration postponed. See p. 638.)

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

1. Amend page 2, following line 10, by inserting:

“Sec. 33. (1) The director of elections shall conduct training schools throughout this state preceding the general November election, and preceding such other elections as the director considers advisable, for county clerks and their representatives with respect to the conducting of elections in accordance with the election laws. INCLUDED IN THIS TRAINING SHALL BE INSTRUCTION ON THE UNIFORM VOTING SYSTEM. In case any county clerk shall fail to conduct in his or her county a training school for election boards within the county, the director of elections shall conduct such training school, the cost of the training school to be charged as an obligation of the county.

(2) The director of elections shall train all county, city, and township clerks who are involved in the training of precinct inspectors. The training shall include team training and monitoring of their performance as trainers.

(3) The director of elections shall conduct all precinct inspector training in counties where the clerk has not been accredited to conduct the training schools.”.

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

Senator Byrum offered the following amendment:

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

“Sec. 795. (1) An electronic voting system acquired or used under sections 794 to 799a shall meet all of the following requirements:

(a) Provide for voting in secrecy, except in the case of voters who receive assistance as provided by this act.

(b) Permit each elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote. Except as otherwise provided in this subdivision, the electronic tabulating equipment shall reject all choices recorded on the elector’s ballot for an office or a question if the number of choices exceeds the number that the elector is entitled to vote for on that office or question. Electronic tabulating equipment that can detect that the choices recorded on an elector’s ballot for an office or a question exceeds the number that the elector is entitled to vote for on that office or question LOCATED AT EACH POLLING PLACE AND shall be programmed to reject a ballot containing that type of an error. IF A CHOICE ON A BALLOT IS REJECTED AS PROVIDED IN THIS SUBDIVISION, AN ELECTOR SHALL BE GIVEN THE OPPORTUNITY TO HAVE THAT BALLOT CONSIDERED A SPOILED BALLOT AND TO VOTE ANOTHER BALLOT.

(c) Permit an elector, at a presidential election, by a single selection to vote for the candidates of a party for president, vice-president, and presidential electors.

(d) Permit an elector in a primary election to vote for the candidates in the party primary of the elector’s choice. Except as otherwise provided in this subdivision, the electronic tabulating equipment shall reject each ballot on which votes are cast for candidates of more than 1 political party. Electronic tabulating equipment that can detect that the elector has voted for candidates of more than 1 political party shall be LOCATED AT EACH POLLING PLACE AND programmed to reject a ballot containing that type of an error. IF A CHOICE ON A BALLOT IS REJECTED AS PROVIDED IN THIS SUBDIVISION, AN ELECTOR SHALL BE GIVEN THE OPPORTUNITY TO HAVE THAT BALLOT CONSIDERED A SPOILED BALLOT AND TO VOTE ANOTHER BALLOT.

(e) Prevent an elector from voting for the same person more than once for the same office.

(f) Reject a ballot on which no valid vote is cast. Electronic tabulating equipment shall be programmed to reject a ballot on which no valid vote is cast.

(g) Be suitably designed for the purpose used; be durably constructed; and be designed to provide for safety, accuracy, and efficiency.

(h) Be designed to accommodate the needs of an elderly voter or a person with 1 or more disabilities.

(i) Record correctly and count accurately each vote properly cast.

(j) Provide an audit trail.

(k) Provide an acceptable method for an elector to vote for a person whose name does not appear on the ballot.

(l) Allow for accumulation of vote totals from the precincts in the jurisdiction. The accumulation software must meet specifications prescribed by the secretary of state and must be certified by the secretary of state as meeting these specifications.

(2) Electronic tabulating equipment that counts votes at the precinct before the close of the polls shall provide a method for rendering the equipment inoperable if vote totals are revealed before the close of the polls.”.

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

Senator Byrum offered the following amendment:

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

“(7) IN ADDITION TO THE ESTABLISHMENT OF THE UNIFORM VOTING SYSTEM, THE FEDERAL MONEY AVAILABLE TO AND APPROPRIATED BY THIS STATE FOR ELECTION REFORM, TO THE EXTENT

THAT THE MONEY EXCEEDS THE AMOUNT NECESSARY FOR THE UNIFORM VOTING SYSTEM, SHALL BE USED FOR OTHER ELECTION REFORM MEASURES INCLUDING THE FOLLOWING:

(A) TRAINING OF ELECTION OFFICIALS AND ELECTION INSPECTORS.

(B) VOTER REGISTRATION.

(C) MAKING POLLING PLACES ACCESSIBLE AND USABLE BY INDIVIDUALS WHO HAVE PHYSICAL OR MENTAL DISABILITIES.” and renumbering the remaining subsection.

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

Senator Byrum offered the following amendments:

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

“(7) THIS SECTION DOES NOT APPLY TO A GOVERNMENTAL UNIT THAT HAS OR DECIDES TO ACQUIRE A VOTING SYSTEM THAT IS A DIRECT ELECTRONIC RECORDING SYSTEM.” and renumbering the remaining subsection.

2. Amend page 7, line 23, after “37.” by inserting “THIS SUBSECTION DOES NOT APPLY TO A GOVERNMENTAL UNIT THAT HAS OR DECIDES TO ACQUIRE A VOTING SYSTEM THAT IS A DIRECT ELECTRONIC RECORDING SYSTEM.”.

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

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

The motion prevailed.

Senator Miller entered the Senate Chamber.

Senator McCotter offered the following amendment:

1. Amend page 3, line 15, after “SCHEDULE.” by inserting “IF, HOWEVER, A JURISDICTION HAS ACQUIRED A NEW VOTING SYSTEM WITHIN 8 YEARS BEFORE THE JURISDICTION RECEIVES NOTICE FROM THE SECRETARY OF STATE UNDER SUBSECTION (3), THAT JURISDICTION SHALL NOT BE REQUIRED TO ACQUIRE AND USE THE UNIFORM VOTING SYSTEM UNTIL THE EXPIRATION OF 10 YEARS AFTER THE DATE OF THE ORIGINAL PURCHASE OF THE EQUIPMENT.”.

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

Senator Byrum offered the following amendments:

1. Amend page 7, line 20, after “(6)” by striking out “SUBSECTIONS (1) AND (2) DO” and inserting “SUBSECTION (1) DOES”.

2. Amend page 7, line 23, after “37.” by inserting “SUBSECTION (2) SHALL APPLY TO A COUNTY, CITY, VILLAGE, TOWNSHIP, OR SCHOOL DISTRICT AFTER IT RECEIVES THE SECRETARY OF STATE’S NOTICE UNDER SECTION 37 IF, AT THE TIME OF THE NOTICE, THE COUNTY, CITY, VILLAGE, TOWNSHIP, OR SCHOOL DISTRICT IS USING AN ELECTRONIC VOTING SYSTEM THAT IS THE SAME TYPE AS THE UNIFORM VOTING SYSTEM.”.

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. 314

Yeas—35

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

Nays—1

Byrum

Excused—1

Vaughn

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.

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

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 2, 33, 770, 770a, 771, 773, 794a, 795, and 971 (MCL 168.2, 168.33, 168.770, 168.770a, 168.771, 168.773, 168.794a, 168.795, and 168.971), section 2 as amended by 1999 PA 216, section 33 as amended by 1996 PA 583, section 794a as amended by 1995 PA 261, and section 795 as amended by 2001 PA 269, and by adding section 37; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protest

Senator Byrum, under her constitutional right of protest (Art. IV, Sec. 18), protested against the passage of House Bill No. 5216 and moved that she be permitted to submit, in writing, her reasons for voting "no."

The motion prevailed.

Senator Emmons moved that rule 3.506 be suspended to permit Senator Byrum's statement to be printed in today's Journal.

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

Senator Byrum's statement is as follows:

I voted against this bill because it is premature and not necessary. Although I respect the work that Secretary Miller, Director Chris Thomas, and the elections staff have done to improve our election process, I do not believe that this bill is necessary. On the contrary, I believe it distracts funds that may otherwise be used for proven improvements to a false solution. I have four problems with the bill.

First, no evidence has been offered as to why this bill is necessary. Clerks are opposed to it, there has been no public call for it, state and national voting reform groups rebuke it, and the handful of states that have tried it are no more successful than Michigan currently is. Similarly, all of the bipartisan national commissions convened this summer to address voting reforms have recommended uniform standards instead of uniform equipment. These include the Carter/Ford National Commission on Election Reform, the MIT/Caltech report, the Constitution Project, the Elections Center, the National Conference of State Legislatures, and even the National Association of Election Officials. In fact, the report of the National Task Force on Election Reform, a group comprised of election administrators from around the country, including Michigan, cautions states against requiring uniform voting systems because, and I quote, "No one system or brand is at present suitable for recommendation for use in all jurisdictions," and because it creates a false sense of solution. Could all of these national groups be wrong? Unlikely. It is my fear that the only one to benefit from this bill will be the voting machine vendor who gets the lucrative contract.

My second reason for opposing this bill is because it does nothing to address the privacy rights of the disabled. I convened a bipartisan statewide task force on voting reforms last summer. At those hearings, I heard testimony from disabled citizens who oppose optical scan equipment because it does not protect their privacy rights when voting. No exceptions are included for those with disabilities.

Perhaps my largest reason for opposition is that I believe we might more effectively spend this money. Senate Fiscal estimates that it will cost \$40-\$50 million-plus to implement optical scan statewide. We could significantly improve our voting process, with much less money, by simply improving training and imposing standards on voting equipment instead of mandating one type of equipment.

As I traveled around Michigan to study voting reforms last summer, it quickly became clear that training is the number one weakness in our current process. We can mandate the most expensive voting system out there, but if we don't improve the way we train our election officials, then we will not improve the integrity, nor accuracy, of the voting system. Only training will address the concerns of Lansing voters who are asked to sign affidavits to vote if they do not present their driver's license, even when their names are on the QVE; Flint voters who experience intimidation while voting; and Lake City voters who report improper handling of ballots. The need for improved training became clear to me when a clerk testified that she once observed her former county clerk wrongly applying regulations for paper ballots to optical scan ballots. A switch to optical scan equipment will require a tremendous amount of training for clerks, election workers, canvassers, and voters. Nothing in this bill prepares us for that.

Lastly, the bill imposes burdensome costs on local units of government while infringing on their autonomy. The bill requires all communities to use this new equipment, yet fails to address the cost of improving and operating the new equipment. For many voting jurisdictions, this cost will be quite burdensome. Jurisdictions that currently pay little upkeep and operating costs for their voting equipment will struggle with optical scan. For example, paper ballots cost only pennies each, while optical scan ballots cost 25-35 cents each. Local jurisdictions will be expected to bear this burden under this bill. That is why clerks with small precincts—some as small as 34 voters—are opposed to this bill. There are many less intrusive and less costly ways to improve our voting process.

Without an exception for voting jurisdictions that have equipment that is more sophisticated than optical scan, we do a disservice to Michigan clerks and voters. Optical scan may be the most used equipment in this state, but it is not the most sophisticated. Optical scan equipment is used in Detroit, and yet, 15 percent of voters in Detroit report their voting system has "a lot" of problems. This dissatisfaction is greater than anywhere else in the state. To require communities with the foresight and determination to purchase direct recording equipment—these are computerized voting machines with touch screens that make voting extremely easy and virtually error proof—to take a step backwards in technology is ludicrous.

Having spent an entire summer reviewing our election system, I feel very strongly about this issue. Like the elimination of straight-party voting, I think the Legislature is foolish to push change to the election process that our clerks are largely opposed to, particularly, change that does not address the public's wishes; does not improve the accuracy of our voting system; is not cost-effective; infringes on local control; and is not a recommendation of any voting reform-minded group. This bill is not election reform...this bill is not good public policy.

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

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 President pro tempore, Senator Schwarz, designated Senator Garcia as Chairperson.

Recess

Senator Emmons moved that the Committee of the Whole recess subject to the call of the Chairperson.
The motion prevailed, the time being 3:15 p.m.

4:05 p.m.

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

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

House Bill No. 5763, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 19, 20, 27, 29, 32, and 48 (MCL 421.19, 421.20, 421.27, 421.29, 421.32, and 421.48), section 19 as amended by 1996 PA 535, section 20 as amended by 1994 PA 162, section 27 as amended by 1995 PA 181, section 29 as amended by 1995 PA 25, section 32 as amended by 1996 PA 503, and section 48 as amended by 1983 PA 164, and by adding sections 13l and 32b.

Substitute (S-3).

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

1. Amend page 3, line 16, by striking out all of subdivision (B) and relettering the remaining subdivisions.
2. Amend page 12, line 6, after "THE" by striking out "GENERAL FUND" and inserting "UNEMPLOYMENT TRUST FUND".
3. Amend page 23, line 27, after "DATE." by inserting "FOR PURPOSES OF DETERMINING A NONCHARGEABLE BENEFITS COMPONENT UNDER THIS SUBSECTION, AN EMPLOYER ACCOUNT SHALL NOT BE CONSIDERED TO HAVE HAD A CHARGE IF CLAIM FOR BENEFITS IS DENIED OR DETERMINED TO BE FRAUDULENT PURSUANT TO SECTION 54 OR 54C.".
4. Amend page 49, line 18, after "remuneration." by striking out the balance of the line through "UNIT." on line 21, and inserting "HOWEVER, BEFORE THE PAYMENT OF BENEFITS IN A BENEFIT YEAR, THE INDIVIDUAL MUST SERVE A NONCOMPENSABLE WEEK FOR THE FIRST OTHERWISE COMPENSABLE WEEK OF THE BENEFIT YEAR. THE NONCOMPENSABLE WEEK REQUIRED UNDER THE PRECEDING SENTENCE SHALL NOT INTERRUPT THE PAYMENT OF A WEEKLY BENEFIT RATE FOR CONSECUTIVE WEEKS OF UNEMPLOYMENT. AN ELIGIBLE INDIVIDUAL SHALL BE PAID HIS OR HER WEEKLY BENEFIT RATE WITH RESPECT TO THE WEEK FOR WHICH THE INDIVIDUAL RECEIVED CREDIT FOR A NONCOMPENSABLE WEEK WHEN THE INDIVIDUAL'S UNEMPLOYMENT IS TERMINATED BY THE INDIVIDUAL ACCEPTING FULL-TIME WORK WITH ANY EMPLOYER OR EMPLOYING UNIT OR WHEN THE INDIVIDUAL IS NO LONGER ELIGIBLE FOR BENEFITS.".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 440, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 3, 321, 322, 358a, 370, 381, 382, 538, 635, 644b, 644c, 644e, 644g, 646a, 963, and 971 (MCL 168.3, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.538, 168.635, 168.644b, 168.644c, 168.644e, 168.644g, 168.646a, 168.963, and 168.971), section 321 as amended by 1994 PA 277, section 322 as amended by 1999 PA 218, section 358a as amended by 1990 PA 235, section 370 as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 646a as amended by 1990 PA 7, and section 963 as amended by 1999 PA 220, and by adding sections 17 and 643b and chapter XIV; and to repeal acts and parts of acts.

Substitute (S-3).

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

1. Amend page 10, line 11, after "(3)" by striking out the balance of the line and inserting "THE ARRANGEMENTS AGREED UPON BY A SCHOOL DISTRICT ELECTION COORDINATING COMMITTEE FOR THE CONDUCT OF THE SCHOOL DISTRICT'S ELECTIONS SHALL EFFECT BOTH OF THE FOLLOWING:

(A) IN THE EVENT THAT A SCHOOL DISTRICT ELECTION IS HELD ON THE SAME DAY AS AN ELECTION OF A JURISDICTION THAT OVERLAPS WITH THE SCHOOL DISTRICT, AN ELECTOR WISHING TO VOTE IN BOTH ELECTIONS SHALL NOT BE REQUIRED TO VOTE AT TWO DIFFERENT LOCATIONS.

(B) IF".

2. Amend page 40, following line 8, by inserting:

"Sec. 659. (1) IF A COUNTY, CITY, WARD, TOWNSHIP, OR VILLAGE IS DIVIDED INTO 2 OR MORE ELECTION PRECINCTS, THE COUNTY, CITY, WARD, TOWNSHIP, OR VILLAGE ELECTION COMMISSIONERS MAY, BY RESOLUTION, CONSOLIDATE THE ELECTION PRECINCTS FOR A PARTICULAR ELECTION THAT IS NOT A GENERAL NOVEMBER ELECTION, A PRIMARY ELECTION IMMEDIATELY BEFORE A GENERAL NOVEMBER ELECTION, OR OTHER STATE-WIDE OR FEDERAL ELECTION. IN MAKING THE DETERMINATION TO CONSOLIDATE ELECTION PRECINCTS FOR A PARTICULAR ELECTION, THE ELECTION COMMISSION SHALL TAKE INTO CONSIDERATION THE NUMBER OF CHOICES THE VOTER MUST MAKE, THE PERCENTAGE OF REGISTERED VOTERS WHO VOTED AT THE LAST SIMILAR ELECTION IN THE JURISDICTION, AND THE INTENSITY OF THE INTEREST OF THE ELECTORS IN THE JURISDICTION CONCERNING THE CANDIDATES AND PROPOSALS TO BE VOTED UPON.

(2) A CONSOLIDATION UNDER THIS SECTION SHALL BE MADE NOT LESS THAN 60 DAYS BEFORE A PRIMARY, GENERAL, OR SPECIAL ELECTION.

(3) UNLESS THE POLLING PLACES FOR THE ELECTION PRECINCTS TO BE CONSOLIDATED ARE LOCATED IN THE SAME BUILDING, WHEN A COUNTY, CITY, WARD, TOWNSHIP, OR VILLAGE CONSOLIDATES ELECTION PRECINCTS FOR A PARTICULAR ELECTION UNDER SUBSECTION (1), THE

ELECTION COMMISSIONERS OR OTHER DESIGNATED ELECTION OFFICIALS SHALL DO BOTH OF THE FOLLOWING:

(A) PROVIDE NOTICE TO THE REGISTERED ELECTORS OF THE AFFECTED ELECTION PRECINCTS OF THE CONSOLIDATION OF ELECTION PRECINCTS FOR THE PARTICULAR ELECTION AND THE LOCATION OF THE POLLING PLACE FOR THE ELECTION PRECINCT OR PRECINCTS FOR THAT ELECTION. NOTICE MAY BE PROVIDED BY MAIL OR OTHER METHOD DESIGNED TO PROVIDE ACTUAL NOTICE TO THE REGISTERED ELECTORS.

(B) POST A WRITTEN NOTICE AT EACH ELECTION PRECINCT POLLING PLACE STATING THE LOCATION OF THE CONSOLIDATED ELECTION PRECINCT POLLING PLACE.

(4) IF A COUNTY, CITY, WARD, TOWNSHIP, OR VILLAGE CONSOLIDATES ELECTION PRECINCTS UNDER THIS SECTION, EACH AFFECTED ELECTION PRECINCT SHALL BE TREATED AS A WHOLE UNIT AND SHALL NOT BE DIVIDED DURING THE CONSOLIDATION.”.

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

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

Senate Bill No. 441, entitled

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

Substitute (S-2).

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

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

Senate Bill No. 442, entitled

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

Substitute (S-2).

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

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

Senate Bill No. 443, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending sections 1, 5, and 13 of chapter II, sections 1, 2, 3, and 7 of chapter III, section 23 of chapter IX, section 3 of chapter XII, and section 18a of chapter XIV (MCL 62.1, 62.5, 62.13, 63.1, 63.2, 63.3, 63.7, 69.23, 72.3, and 74.18a), sections 1, 5, and 13 of chapter II and sections 2 and 7 of chapter III as amended and section 3 of chapter III as added by 1998 PA 255 and section 3 of chapter XII and section 18a of chapter XIV as amended by 1998 PA 254.

Substitute (S-2).

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

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

Senate Bill No. 760, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 30a, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 544c, 644k, 690, 862, 863, 954, and 972 (MCL 168.30a, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.544c, 168.644k, 168.690, 168.862, 168.863, 168.954, and 168.972), section 501a as amended by 1995 PA 87, section 509n as amended by 1999 PA 216, sections 509r and 509gg as added by 1994 PA 441, section 544c as amended by 1999 PA 219, and section 972 as amended by 1989 PA 26; and to repeal acts and parts of acts.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 438, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 11a, 503, 613, 616, 617, 661, 681, 687, 690, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351, 1361, 1451, 1722, and 1732 (MCL 380.4, 380.5, 380.6, 380.11a, 380.503, 380.613, 380.616, 380.617, 380.661, 380.681, 380.687, 380.690, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945, 380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and 380.1732), section 5 as amended by 1999 PA 23, sections 6, 503, 687, and 690 as amended and section 11a as added by 1995 PA 289, section 617 as amended by 1989 PA 268, sections 681, 705, and 1451 as amended by 1994 PA 258, section 703 as amended by 1981 PA 87, sections 857 and 858 as amended by 1992 PA 263, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 1992 PA 236, and section 1351 as amended by 1997 PA 152, and by adding sections 629a, 1206, and 1351c; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 51, line 19, by striking out all of section 1211c.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 439, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 644.

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.

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5763

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 1107, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11f, 11g, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 37, 38, 39, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 96, 98, 99, 107, 108, and 147 (MCL 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632d, 388.1637, 388.1638, 388.1639, 388.1641, 388.1651a, 388.1651c, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1698, 388.1699, 388.1707, 388.1708, and 388.1747), sections 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32d, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 67, 68, 74, 81, 94, 94a, 98, 99, 107, and 147 as amended by 2001 PA 121 and sections 19, 37, 38, and 39 as amended and sections 96 and 108 as added by 2000 PA 297, and by adding sections 32i, 34, 39a, 51d, 55, 99a, and 121a; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Jelinek, Rick Johnson and Switalski as conferees to join with Senators Stille, DeGrow and DeBeaussiaert.

The bill was referred to the Conference Committee.

Recess

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

The motion prevailed, the time being 4:49 p.m.

5:09 p.m.

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

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Emmons moved that consideration of the following concurrent resolution be postponed for today:

Senate Concurrent Resolution No. 11

The motion prevailed.

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

Senate Resolution No. 190

Senate Resolution No. 192

The resolution consent calendar was adopted.

Senators Garcia, Gougeon, Steil, Van Regenmorter, Bullard, McManus, Johnson, Sikkema, McCotter, Stille, Bennett, Emmons, Gast, Hammerstrom, Sanborn, Goschka, Dunaskiss, North and Shugars offered the following resolution:

Senate Resolution No. 190.

A resolution honoring Eleazar Benjamin Ruiz y Avila, Consul of Mexico in Michigan.

Whereas, During his period as Consul of Mexico in Michigan—March 2001-March 2002—Eleazar Benjamin Ruiz y Avila dedicated himself to serve Mexico and the Mexican community living in his jurisdiction; and

Whereas, Consul Ruiz established a strong relationship with several members of the local governments, such as state and federal senators and representatives. He worked with them in order to strengthen the bilateral relations and improve the living conditions of the Mexican community here in Michigan; and

Whereas, He also established a solid bond with the Mexican-American organizations of the area and collaborated with them on events and projects for the growth and well-being of this citizenry; and

Whereas, Due to the significant presence of Mexicans in Michigan, he organized mobile consulates to the cities of Pontiac and Grand Rapids, where this population has a large presence; and

Whereas, During his term as consul, Eleazar Benjamin Ruiz y Avila helped improve trade by issuing approximately 3,000 visas to Americans going to Mexico on business. In this arena, he was an ardent advocate of Mexico as an excellent place for investing and conducting trade and encouraged businessmen, farmers, and companies to consider the possibility of expanding their business there; and

Whereas, Another important task he performed was the promotion of the importation of Mexican products, and along with the Mexican Center of Michigan and BANCOMEXT, he organized two events in Michigan and Ohio that provided information on how to start this process; and

Whereas, Consul Ruiz encouraged the culture, education, and sports among the Mexican-American community by organizing photographic and painting exhibitions, helping to bring teachers from Oaxaca to Michigan and attending soccer and baseball games; and

Whereas, Through all these efforts, he strengthened the bonds between the people of Michigan and the people of Mexico; now, therefore, be it

Resolved by the Senate, That we honor Eleazar Benjamin Ruiz y Avila, Consul of Mexico in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Eleazar Benjamin Ruiz y Avila as a token of our gratitude and appreciation.

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 Shugars offered the following resolution:

Senate Resolution No. 192.

A resolution commemorating March 24-31, 2002, as Healthy Lifestyles and Wellness Awareness Week in Michigan.

Whereas, It is in the best interests of the state of Michigan and its citizens to encourage steps to forming and maintaining healthy lifestyles. There is a considerable and growing body of research confirming the beneficial effect on medical outcomes related to a person's spirituality and prayerful approach to life; and

Whereas, Evidence reveals that emotional factors such as stress, lack of self-confidence, and feelings of insecurity, hostility, and aggression can lead to unhealthy lifestyle choices such as smoking, abuse of alcohol and other substances, overeating, and choosing unhealthy foods. Encouragement of individuals to cultivate their innate spirituality can be an important component in proper health care, in addition to physical components; and

Whereas, Many religious traditions and some individual philosophies teach qualities and modes of thought that encourage spiritual thinking and healthy lifestyles. These values can give individuals the motivation, courage, faith, self-confidence, discipline, and commitment that enable independence from destructive behavior; now, therefore, be it

Resolved by the Senate, That March 24-31, 2002, be declared as Healthy Lifestyles and Wellness Awareness Week in Michigan. We encourage state and local health department employees, health care providers, and the citizens of this Great Lakes State to be aware of significant clinical research that shows the benefits of spirituality on wellness and the efficacy of health care; and be it further

Resolved, That copies of this resolution be transmitted to organizers of forums, seminars, and health fairs that raise awareness of the importance of individual spirituality as a valuable component of healthy living.

Senate Resolution No. 159.

A resolution to establish a task force to study the costs and benefits of a Medicaid buy-in program for working people with disabilities.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

The substitute was adopted.

The resolution, as substituted, was adopted.

Introduction and Referral of Bills

Senator Emmons introduced

Senate Bill No. 1211, entitled

A bill to amend 1976 PA 449, entitled "An act to regulate the pricing of consumer items and the advertising of consumer items, services, goods, merchandise, commodities, and real property; to prescribe the powers and duties of certain state and local officials in relation thereto; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 1 and 3 (MCL 445.351 and 445.353).

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senator Bullard introduced

Senate Bill No. 1212, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 310c.

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

Senator Bullard introduced

Senate Bill No. 1213, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2236, 2242, 2401, 2403, 2406, 2418, 2450, 2601, 2603, 2606, 2646, 2706, 3606, 4430, and 6514 (MCL 500.2236, 500.2242, 500.2401, 500.2403, 500.2406, 500.2418, 500.2450, 500.2601, 500.2603, 500.2606, 500.2646, 500.2706, 500.3606, 500.4430, and 500.6514), sections 2236, 2403, 2406, and 2418 as amended by 1993 PA 200, sections 2242 and 3606 as amended by 1990 PA 305, section 2401 as amended by 1982 PA 8, section 2706 as added by 1982 PA 501, section 4430 as amended by 1993 PA 349, and section 6514 as added by 1990 PA 350, and by adding sections 2417 and 2617; and to repeal acts and parts of acts.

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

House Bill No. 5643, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

House Bill No. 5644, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has passed the bill.

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

House Bill No. 5649, entitled

A bill to make, supplement, and adjust appropriations for the department of military and veterans affairs for the fiscal years ending September 30, 2002 and September 30, 2003; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The House of Representatives has passed the bill.

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

Recess

Senator Emmons moved that the Senate recess until 7:30 p.m.

The motion prevailed, the time being 5:14 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senator Stille entered the Senate Chamber.

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. 5763, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 3, 4, 4a, 10, 19, 20, 27, 29, 32, 44, 48, 54, and 54c (MCL 421.3, 421.4, 421.4a, 421.10, 421.19, 421.20, 421.27, 421.29, 421.32, 421.44, 421.48, 421.54, and 421.54c), section 4 as amended by 1996 PA 498, section 10 as amended by 1989 PA 224, section 19 as amended by 1996 PA 535, sections 20 and 54 as amended by 1994 PA 162, section 27 as amended by 1995 PA 181, section 29 as amended by 1995 PA 25, section 32 as amended by 1996 PA 503, section 44 as amended by 1996 PA 504, section 48 as amended by 1983 PA 164, and section 54c as amended by 1993 PA 277, and by adding sections 5b, 13l, and 32b; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Smith offered the following amendments:

1. Amend page 44, line 17, after "EXCEED" by striking out "\$315.00 FOR AN INDIVIDUAL WITH NO DEPENDENTS" and inserting "\$415.00".

2. Amend page 44, line 22, after "\$415.00." by inserting "FOR 2003 AND EACH YEAR AFTER 2003, THE INDIVIDUAL'S MAXIMUM WEEKLY BENEFIT RATE SHALL NOT EXCEED 58% OF THE STATE AVERAGE WEEKLY WAGE."

The question being on the adoption of amendments,

Senator Emmons moved that further consideration of the amendments be postponed temporarily.

The motion prevailed.

Senator Cherry offered the following amendments:

1. Amend page 43, line 8, after "shall" by inserting "immediately".

2. Amend page 43, line 8, after "fund" by striking out the balance of the line through "(C)(1)" on line 10.

3. Amend page 49, line 18, after "remuneration." by striking out the balance of the line through "UNIT" on line 21.

The amendments were not adopted, a majority of the members serving not voting therefor.
 Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 315**Yeas—19**

Bennett	Emerson	McCotter	Schwarz
Byrum	Goschka	Miller	Scott
Cherry	Hart	Murphy	Smith
DeBeaussaert	Hoffman	North	Young
Dingell	Koivisto	Peters	

Nays—17

Bullard	Gast	McManus	Sikkema
DeGrow	Gougeon	Sanborn	Steil
Dunaskiss	Hammerstrom	Schuette	Stille
Emmons	Johnson	Shugars	Van Regenmorter
Garcia			

Excused—1

Vaughn

Not Voting—1

Leland

In The Chair: Schwarz

Senator Young offered the following amendments:

1. Amend page 44, line 4, after “be” by striking out “4.1%” and inserting “4.3%”.

2. Amend page 51, line 26, after “taking” by striking out “43%” and inserting “45%”.

The question being on the adoption of the amendments,

Senator Young moved that further consideration of the amendments be postponed temporarily.

The motion prevailed.

Senator Cherry offered the following substitute:

Substitute (S-2).

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

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 316**Yeas—19**

Byrum	Goschka	McCotter	Schwarz
Cherry	Hart	Miller	Scott
DeBeaussaert	Hoffman	Murphy	Smith
Dingell	Koivisto	North	Young
Emerson	Leland	Peters	

Nays—18

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Garcia
Gast
Gougeon
Hammerstrom
Johnson

McManus
Sanborn
Schuette
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

By unanimous consent the Senate returned to consideration of the amendments offered by Senator Smith.
The question being on the adoption of the amendments,
Senator Emmons moved that the amendments and all pending amendments be considered en bloc.
The motion prevailed.
Senator Emerson requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 317**Yeas—21**

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Sanborn
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—16

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hart
Koivisto

Leland
Miller
Murphy
Peters

Schwarz
Scott
Smith
Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Protests

Senators Cherry, Young and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to combine all pending amendments to House Bill No. 5763.

Senator Cherry's statement is as follows:

I had voted "no" on the motion to combine these amendments because, quite frankly, I saw that as an attempt, Mr. President, to procedurally avoid a discussion of the merits of each amendment individually, which would have, in fact, highlighted some of the problems with the bill that's before us and offered an opportunity to correct those problems before it came to a vote. There are some important issues that were contained in each of those amendments dealing with the level of maximum benefits because the bill before us for the most part will simply increase the maximum benefit for most people at the maximum of \$15.00—from \$300.00 to \$315.00.

Also, Mr. President, there was an amendment offered that would have provided a benefit increase for all those who are unemployed, and in fact, that probably is a more important amendment of all of those that were up there. But by combining these amendments, Mr. President, we want to avoid the discussion because ultimately we know that the public believes that these increases are long overdue. And what we are about here tonight, with motions to combine amendments, is to avoid that debate, avoid that discussion, and avoid doing what the public knows we ought to do.

Mr. President, it seems to me that if we can be here until 5 o'clock and then recess until 7:30 p.m., it's obvious no one's in a rush to get home. It's obvious that we have time to debate these amendments on their merits individually. And we needn't circumvent the process by going through a procedural motion that will make it more difficult for people to explain what they are attempting to do by their amendments and make it more difficult to explain to the public what the business of this body is.

Senator Young's statement is as follows:

After viewing what has taken place, I sat here attempting to read a bill which has many, many pages, finding, after reviewing the bill, the many, many flaws. I thought that I would offer an amendment that would address those flaws to about 2.25 million people in the state of Michigan. But I find myself coming here giving a "no" vote explanation because those who have the ability, and have the votes, have chosen not to even hear what those flaws are. What amazes me is that any of us, not one of us, should want to vote on a piece of legislation that, in my opinion, is majorly flawed.

Now if one was interested, one would ask what might that flaw be? Well, one thing I am finding is that about 40 percent of the people who would have to go for unemployment under this legislation the way it is written would not receive an increase at all. We're talking about those individuals who make \$30,000 or less—who also have rent payments; who also have to purchase food; who also have clothing needs; who also have other necessities and will not see an increase at all. That means that you are making \$30,000 a year and less, and we're about to pass some legislation that doesn't even address your concerns. But no, we're interested in procedurally cutting off any kind of discussion with regards to that, making sure that only those on the high end receive increases in their unemployment.

Now I don't know, but after what just took place and my wanting to take a different approach before this, I think this bill isn't anything to do with unemployment. This has to do with business relief. This is not an unemployment part. We're talking about legislation that proposes an additional \$60 million in business relief. That's what we're talking about here—\$60 million additional dollars of business relief—when, on the other hand, we don't want to provide relief to individuals whose household income is \$30,000 and below.

But we want to cut off debate. We don't want to talk about that 40 percent of those in Michigan. We don't want to talk about the 2.25 million individuals whose adjusted gross income is below \$30,000. Instead, we want to talk about those who make \$30,000 or more. Then we want to squabble over the increase that we provide them, while we sit here, sitting back, wanting to procedurally make these moves; wanting to suggest that those who make \$30,000 or less don't count, and I contend that you all ought to be reviewing the bill like some of us have over here as well.

I don't know how we can give over \$200 million in relief prior to this. Now add another \$60 million of relief. We don't return increased dollars to anyone making \$30,000 or less, and we want to call this unemployment compensation? That's not what we have.

Instead, what we have is a process that is used at the expense of those individuals who make \$30,000 or less because this chamber doesn't even want to listen or participate in making sure that they get equity as well. I would think, and would hope, that we would take another approach and that we would think it's important that we do that. It's unfortunate that I have to use my "no" vote explanation to indicate not only why, but to indicate what it is that this chamber is doing and what this chamber, I would hope, would do.

The truth of the matter is that the reason I voted "no" on combining all of these amendments, not just because my amendment was included, but because we have a responsibility to give relief to every individual in the state of Michigan. If we're going to give \$260 million-plus to business, we ought to at least look at giving an increase in unemployment benefits to those who have a household income of \$30,000 or less.

Senator Smith's statement is as follows:

My "no" vote explanation on the combining of amendment nos. 2 and 5 through 8 is that it has unfairly given the majority an opportunity to not only railroad these amendments, but railroad the citizens of the state of Michigan. The people had a right to hear what the amendments were, what the arguments pro and con are on those amendments, and to see a vote go up on each one of them because that's the way they judge the performance of their elected officials. By combining them, you have abrogated that opportunity and their right as citizens to see how you would have performed on each and every amendment.

It's a shortage of people who pay you extraordinarily well to work here in this chamber to do their business in a representative government. It's a shortage of people who are out there unemployed who have an opportunity with today's legislation to watch each member of this body and determine if they are representing their best interest, if they are looking out for them, and if the decisions that they make on each and every amendment will be of benefit or detriment to them.

I voted "no" because you cheated the citizens of the state of Michigan not because we didn't have a chance here, but because they didn't have a chance. I hope they don't forget it.

Senator Cherry offered the following amendment:

1. Amend page 49, line 178, after the third "OR" by striking out "WHEN THE INDIVIDUAL IS NO LONGER ELIGIBLE FOR BENEFITS" and inserting "EXHAUST THEIR ENTITLEMENTS".

Senator Cherry offered the following amendment:

1. Amend page 43, line 8, after "payable" by inserting "TO THE UNEMPLOYED INDIVIDUAL".

Senator Cherry offered the following amendment:

1. Amend page 43, line 8, after "payable" by inserting "TO THE INDIVIDUAL".

The question being on the adoption of the amendments,

Senator Emmons moved that the previous question be ordered on the amendments.

The motion prevailed.

Senator Emmons moved that the previous question be ordered on the bill.

The motion prevailed.

The question being on the adoption of the amendments,

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

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 318

Yeas—17

Byrum	Goschka	Leland	Schwarz
Cherry	Hart	Miller	Scott
DeBeaussaert	Hoffman	Murphy	Smith
Dingell	Koivisto	Peters	Young
Emerson			

Nays—20

Bennett	Garcia	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Sanborn	Stille
Emmons	Johnson	Schuette	Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Cherry offered the following amendment:

1. Amend page 43, line 8, after “payable” by inserting “TO AN INDIVIDUAL”.

The question being on the adoption of the amendments,

Point of Order

Senator Emmons raised the Point of Order that the amendment offered by Senator Cherry to House Bill No. 5763 was dilatory, and therefore, out of order.

The President pro tempore, Senator Schwarz, ruled that the amendment was in order.

Senator Emmons appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

The decision of the Chair did not stand as the judgment of the Senate, a majority of the members not voting therefor.

Senator Smith requested the yeas and nays.

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

The decision of the Chair did not stand as the judgment of the Senate, a majority of the members not voting therefor, as follows:

Roll Call No. 319**Yeas—17**

Byrum	Goschka	Leland	Schwarz
Cherry	Hart	Miller	Scott
DeBeaussaert	Hoffman	Murphy	Smith
Dingell	Koivisto	Peters	Young
Emerson			

Nays—20

Bennett	Garcia	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Sanborn	Stille
Emmons	Johnson	Schuette	Van Regenmorter

Excused—1

Vaughn

Not Voting—0

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. 320**Yeas—20**

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Garcia
Gast
Gougeon
Hammerstrom
Johnson

McCotter
McManus
North
Sanborn
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—17

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Goschka
Hart
Hoffman
Koivisto

Leland
Miller
Murphy
Peters

Schwarz
Scott
Smith
Young

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

The motion did not prevail, 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 motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 321**Yeas—19**

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Hammerstrom
Johnson
McCotter

McManus
North
Sanborn
Schuette
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Nays—17

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Goschka
Hart
Hoffman
Koivisto

Leland
Miller
Murphy
Peters

Schwarz
Scott
Smith
Young

Excused—1

Vaughn

Not Voting—1

Garcia

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 the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The Senate agreed to the full title.

Protests

Senators Cherry, Smith, Young, Scott, Emerson and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5763.

Senator Cherry's statement, in which Senators Smith, Young, Scott and Emerson concurred, is as follows:

I voted “no” on House Bill No. 5763 because of all of the things that were kind of hidden in that thick substitute that was passed out at the last minute, earlier this afternoon. It's pretty clear why we went through all of these procedural hoops and steps to avoid clear, clean votes and clear, clean debates on this bill because there is some stuff in here that is simply indefensible.

There's the effort to somehow convince the public that we're providing a significant—\$115.00—benefit increase when, in fact, for most people, we are providing no benefit increase or a simple \$15.00 increase. In fact, 40 percent of those who are unemployed in this state; those who get less than the maximum and those who are in greatest need receive no benefit increase here at all. That's 40 percent. Then half of the remaining 60 percent receive only a benefit increase of \$15.00. That means for nearly 70 percent of the unemployed, their benefit increase is less than \$16.00.

All of this is occurring after we have frozen maximum benefits at \$300.00 back in 1995—seven years of inflation eroding that amount; having gone into recession; having experienced the effects of the national catastrophe that occurred on September 11. The resulting unemployment occurred not only here in Michigan, but across the country. Here in Michigan, people are having to go to the unemployment lines because of that incident. With all of that, we're saying to our unemployed that we cannot afford an increase for you that amounts to \$16.00. All the while, during the last seven years, for each year of the seven years, we have provided businesses with unemployment tax cuts. In fact, one of the cruelest things in this bill is not only is it while we are providing de minimus benefit increase, we're providing a \$60 million tax cut, while those who argue against benefit increases because they can't afford it. We're providing \$60 million in business tax relief here. The interesting thing is how we provide that relief. We provide that relief by giving it and directing it to Michigan's biggest businesses. So that, in fact, what we do is shift the tax burden for unemployment compensation to the small Michigan hometown business.

On top of that, we not only are trying to pull the wool over the public's eyes as it pertains to the benefit increase, we're beginning now to, in fact, make it more difficult to collect unemployment compensation in a timely way. This bill introduces a shift week, in which instead of receiving your first unemployment check two to three weeks late, you now receive it four to six weeks late.

On top of that, what is very interesting is that this bill changes the burden of proof. Currently, if you are unemployed, you go down and file for unemployment compensation. The MESC checks with your employer to find out if you're laid off. Your employer has the opportunity to say, "No, I didn't lay that person off; that person quit voluntarily." But when the employer says that, the burden of proof is on the employer. This bill shifts the burden of proof to the employee. Everybody who goes down to file unemployment compensation is going to have to prove now that their employer laid them off and that they were not a voluntary quit. The burden of proof is on the employee because ultimately the object here is to deny people unemployment compensation benefits.

It also redoes the calculation on how severance pay is treated. It does that to delay the payment of unemployment compensation benefits. It also deals differently with what happens when a person receives an offer for work and what constitutes an offer for work. It changes the formula so that jobs that we have in the past felt weren't suitable offers of employment now become suitable offers of employment. What we want to do is force people back into menial labor so that they don't qualify for unemployment compensation, so that we can continue to take this \$2.8 billion surplus in the unemployment trust fund up higher. Let's not have \$2.8 billion; let's tax the unemployed so now it will be \$3 billion, \$3.5 billion, or \$4 billion. All this is being done on the backs of the unemployed at a time of recession and a time of national emergency.

This substitute that we voted on today, the one the Senate passed, is a step backwards from what the House did. The House at least raised benefit levels \$65.00 for those who were at the maximum. They didn't play games in trying to stretch out when a person receives a check. They didn't try to play games by attempting to disqualify them by changing the burden of proof. They didn't try to play games by changing the definition of what's suitable work. The House at least showed some sense of respect for those who find themselves temporarily at an economic disadvantage.

That's more than what we can say for what we did tonight. That's why we saw all sorts of procedural games. If the public really had an opportunity to look at what we did here, they would be aghast.

What I find as just an absolute unbelievable contrast is that we would do these things in this bill, while we have a bill sitting here on the Senate floor granting \$30,000.00 a year, every year of a judge's life if that judge chooses to resign. If the unemployed could have that deal, but no, no. This body passed that bill to give those judges \$30,000.00 a year to become unemployed, and we can't even give someone who's at less than the maximum a simple one dollar, two dollar, or three dollar benefit increase. We ought to be ashamed of ourselves. That's why I voted "no" on this bill.

Senator Smith's statement is as follows:

This amendment would increase the unemployment compensation to \$415.00 a week and index it to 58 percent of the average work-week wage. You know, we look at an opportunity here to try and make individuals who have suffered a loss of employment a little bit whole; not whole, but certainly to give them an opportunity to have enough money to meet some portion of each of their debts, so that when they do return to work, they aren't overwhelmed for the first few months with bills that are of such magnitude that they can't begin to pick up and catch up.

This is an opportunity for us to show a little compassion for our fellow citizens of this state, people who went to work every day, who earned their unemployment compensation, and who through no fault of their own have lost their jobs. The change, \$115.00 a week across the more than 250,000 unemployed, would cost the unemployment compensation fund \$244 million. That's a fund of \$2.8 billion. It's a fund for which the employers have received a tax cut for each of the last seven years—a tax cut that equals approximately \$200 million a year. The federal government through the Reed Act has expanded the number of weeks of eligibility and will pay the cost of that expansion. This isn't going to cost the state of Michigan \$500 million. This is going to cost the state of Michigan \$244 million—\$11,900.00 maximum per employee who has been laid off, per employee who qualifies for a full employment compensation rate and not all those employees do. This amendment for \$11,900.00 is about 50 percent of our legislative salary increase.

Just last week, we had a bill go through here that proposed to give the judges, about 100 of them, an early retirement option of between \$24,000.00 and \$33,000.00, and we didn't bat an eye at that. For judges who are being paid \$169,000.00 a year, we did not blink. But when it comes to paying people who are out of work who have no paycheck other than an unemployment compensation, for a benefit that enhances their opportunity to meet their responsibilities and obligations, we get palsy. Well, shame on us. We ought to be looking out for the interest of people who go to work every day who pay their taxes here in the state of Michigan, people who are the backbone of a productive work force in the state of Michigan.

To turn down this amendment is a slap in the face to those unemployed citizens and to anybody else who faces unemployment in the future here in Michigan. It doesn't make the state employers look good. It certainly doesn't make the Michigan Legislature look like it has any understanding, sympathy, or compassion. I urge my colleagues to support the amendment.

Senator Young's statement is as follows:

I voted "no" because I feel that this chamber should have taken more seriously the individuals who are making \$30,000 a year or less. I think that wasn't done. The record ought to reflect that these individuals are working hard to achieve greater economic success for their loved ones and themselves and will not see a benefit increase with regards to the way this legislation exists.

Senator Scott's statement is as follows:

I really witnessed something tonight that I didn't think I would ever see in this chamber. It seems to me we want this to be a Third World country—the have and have nots. I have just never seen it. It's like we don't even have a heart at all. I thought we were really coming together after 9-11, but we don't really care about people; only those who have and we want them to have some more. Those who don't, just let them hang on the corners. Just let anything happen to them.

Senator Hart's statement is as follows:

This legislative body has demonstrated a true railroad job this evening, rather than conducting the business in a more democratic process. That's what's expected of all of you. You are truly in violation of the legislative process for which you were elected to, for which you swore to uphold, and you ought to let that be on your conscience.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

Senate Bill No. 930

The motion prevailed.

Committee Reports

The Committee on Finance reported

Senate Bill No. 1201, entitled

A bill relative to the reporting of the issuance of certain debt and securities; to prescribe powers and duties of certain departments, agencies, officials, and employees; to impose certain duties; and to authorize the issuance and refunding of certain debt and securities.

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.

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, March 19, 2002, at 1:02 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Emmons (C), Bullard, Garcia, Peters and Byrum

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, March 12, 2002, at 1:30 p.m., Room 100, Farnum Building

Present: Senators Sikkema (C), Peters and Young

Excused: Senators Dunaskiss and Gast

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Tuesday, March 19, 2002, at 1:30 p.m., Room 210, Farnum Building
Present: Senators Sikkema (C), Dunaskiss, Gast and Peters
Excused: Senator Young

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:
Meeting held on Tuesday, March 19, 2002, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Shugars (C), Hammerstrom, Schwarz and Byrum
Excused: Senator Emerson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:
Meeting held on Wednesday, March 20, 2002, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Schwarz (C), Hoffman, Koivisto and Smith
Excused: Senator McManus

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture - Wednesdays, April 10, April 17, April 24 and May 1, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Family Independence Agency - Tuesdays, April 9 and April 23, 1:00 p.m., Room 210, Farnum Building; Thursdays, April 11 and April 18, 1:00 p.m., Room 110, Farnum Building (373-1760)

General Government - Tuesdays, April 9, April 16, April 23 and April 30, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, April 10, April 17 and April 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Banking and Financial Institutions - Thursday, March 21, 8:30 a.m., Room 210, Farnum Building (373-2420)

Conference Committee -

Unemployment Compensation (HB 5763) - Thursday, March 21, at 1:00 p.m. or later after committees are given leave by the House to meet, Room H-252, Capitol Building (373-1747)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 8:48 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, March 21, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

