

**No. 59**  
**JOURNAL OF THE SENATE**

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Senate Chamber, Lansing, Thursday, July 2, 1998.

10:00 a.m.

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

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

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

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

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

Senator Bill Schuette of the 35th District offered the following invocation:

Lord, we ask in this last day of session of the Michigan Legislature that You be with us as we deliberate. Let us be thoughtful of the needs of others. Let us put away the wings of partisanship to work together for the benefit of the citizens across the state of Michigan and the things we do today would be mindful and helpful to the children of the people of this state and those who come after us. We ask this in Your name. Amen.

### Motions and Communications

Senator V. Smith moved that Senator Berryman be excused from today's session.  
The motion prevailed.

The following communications were received:  
Department of State

#### Administrative Rules Notices of Filing

June 16, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:05 p.m. this date, administrative rule (98-06-20) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control Rules*," effective 15 days hereafter.

June 22, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:37 p.m. this date, administrative rule (98-06-21) for the Department of Community Health, Health Legislation and Policy Development, entitled "*Rights of Recipients of Mental Health Services*," effective 15 days hereafter.

Sincerely,  
Candice Miller  
Secretary of State  
Helen Kruger, Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 30:  
**House Bill Nos. 4193 4670 5072 5687 5709 5817**

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, July 1:  
**House Bill Nos. 4090 4576 4959 4960 4961 5044 5248 5366 5801 5820 5859 5867 5871 5875  
5880 5881 5884 5887 5892 5909 5938 5951 5952 5953 5954 5955 5956**

The Secretary announced the printing and placement in the members' files on Wednesday, July 1 of:  
**House Bill No. 5978**

Senator DeGrow moved that Senators Emmons, Posthumus and Schwarz be temporarily excused from today's session.  
The motion prevailed.

### Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 10:05 a.m.

11:47 a.m.

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

During the recess, Senators Emmons, Posthumus and Schwarz entered the Senate Chamber.

**Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 11:48 a.m.

11:52 a.m.

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

Senator DeGrow moved that rule 2.106 be suspended to allow all conference committees to meet during Senate session.

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

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

**House Bill No. 4065, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7218 and 7401 (MCL 333.7218 and 333.7401), section 7401 as amended by 1996 PA 249, and by adding section 7401a.

**House Bill No. 4515, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33 (MCL 791.233), as amended by 1994 PA 217.

**House Bill No. 5398, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 33, 34, 34a, 35, 36, 65, and 65a (MCL 791.233, 791.234, 791.234a, 791.235, 791.236, 791.265, and 791.265a), sections 33, 35, and 65 as amended by 1994 PA 217, section 34 as amended by 1994 PA 345, section 34a as amended by 1998 PA 84, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

**House Bill No. 5419, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 10, 11, 12, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.10, 769.11, 769.12, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 10 and 11 of chapter IX as amended by 1988 PA 90, and section 12 of chapter IX and section 14 of chapter XI as amended and sections 31, 33, and 34 of chapter IX as added by 1994 PA 445, and by adding section 35 to chapter IX and adding chapter XVII.

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

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

**House Bill No. 5876, entitled**

A bill to amend 1975 PA 46, entitled "An act to create the office of the legislative corrections ombudsman; to prescribe the powers and duties of the office, the ombudsman, the legislative council, and the department of corrections; and to provide remedies from administrative acts," by amending sections 1, 4, 6, 7, 10, and 13 (MCL 4.351, 4.354, 4.356, 4.357, 4.360, and 4.363), as amended by 1995 PA 197.

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

Senator DeGrow moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on their immediate passage:

**House Bill No. 4065**

**House Bill No. 4515**

**House Bill No. 5398**

**House Bill No. 5419**

**House Bill No. 5876**

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

The following bill was read a third time:

**House Bill No. 4065, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7401, and 7403 (MCL 333.7212, 333.7401, and 333.7403), section 7212 as amended by 1993 PA 25 and sections 7401 and 7403 as amended by 1996 PA 249, and by adding section 7401a.

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

Substitute (S-1).

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

Senator Van Regenmorter offered the following substitute:

Substitute (S-2).

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

Senator Koivisto entered the Senate Chamber.

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. 638**

**Yeas—30**

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

**Nays—5**

Bennett	Dunaskiss	Gougeon	Jaye
Bouchard			

**Excused—2**

Berryman

Schwarz

**Not Voting—0**

In The Chair: Hoffman

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

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

Senator Van Regenmorter offered to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 7218 and 7401 (MCL 333.7218 and 333.7401), section 7401 as amended by 1996 PA 249, and by adding section 7401a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

**House Bill No. 4515, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33 (MCL 791.233), as amended by 1994 PA 217.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following substitute:

Substitute (S-1).

The substitute 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. 639****Yeas—34**Bennett  
BouchardDingell  
DunaskissMcManus  
MillerShugars  
Smith, A.

Bullard	Emmons	North	Smith, V.
Byrum	Gast	O'Brien	Steil
Cherry	Gougeon	Peters	Stille
Cisky	Hart	Posthumus	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn
DeBeausaert	Jaye	Schuette	Young
DeGrow	Koivisto		

**Nays—0**

**Excused—3**

Berryman	Geake	Schwarz
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**Not Voting—0**

In The Chair: Hoffman

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

Senators Geake and Schwarz entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5398, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 33, 34, 34a, 35, 36, 65, and 65a (MCL 791.233, 791.234, 791.234a, 791.235, 791.236, 791.265, and 791.265a), sections 33, 35, and 65 as amended by 1994 PA 217, section 34 as amended by 1994 PA 345, section 34a as amended by 1998 PA 84, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following substitute:

Substitute (S-1).

The question being on the adoption of the substitute,

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 25, line 16, after "subsection" by striking out "(9)" and inserting "(8)".

The amendment to the substitute was adopted.

The substitute, as amended, 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. 640****Yeas—36**

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

**Nays—0****Excused—1**

Berryman

**Not Voting—0**

In The Chair: Hoffman

Senator Van Regenmorter moved that the bill be given immediate effect.

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

Senator Van Regenmorter offered to amend the title to read as follows:

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34, 34a, 35, 36, and 65a (MCL 791.234, 791.234a, 791.235, 791.236, and 791.265a), section 34 as amended by 1998 PA 209, section 34a as amended by 1998 PA 84, section 35 as amended by 1994 PA 217, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The following bill was read a third time:

**House Bill No. 5419, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 10, 11, 12, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.10, 769.11, 769.12, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 10 and 11 of chapter IX as amended by 1988 PA 90, and section 12 of chapter IX and section 14 of chapter XI as amended and sections 31, 33, and 34 of chapter IX as added by 1994 PA 445, and by adding section 35 to chapter IX and adding chapter XVII.

The question being on the passage of the bill,  
 Senator Van Regenmorter offered the following substitute:  
 Substitute (S-1).

The substitute 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. 641****Yeas—34**

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

**Nays—2**

Bouchard                      Jaye

**Excused—1**

Berryman

**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.



The following bill was read a third time:

**House Bill No. 5876, entitled**

A bill to amend 1975 PA 46, entitled "An act to create the office of the legislative corrections ombudsman; to prescribe the powers and duties of the office, the ombudsman, the legislative council, and the department of corrections; and to provide remedies from administrative acts," by amending sections 1, 4, 6, 7, 10, and 13 (MCL 4.351, 4.354, 4.356, 4.357, 4.360, and 4.363), as amended by 1995 PA 197.

The President, Lieutenant Governor Binsfeld, resumed the Chair.

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. 642**

**Yeas—26**

Byrum	Emmons	Miller	Smith, A.
Cherry	Gast	North	Smith, V.
Cisky	Geake	O'Brien	Stille
Conroy	Hart	Peters	Van Regenmorter
DeBeaussaert	Hoffman	Posthumus	Vaughn
DeGrow	Koivisto	Schwarz	Young
Dingell	McManus		

**Nays—10**

Bennett	Dunaskiss	Rogers	Shugars
Bouchard	Gougeon	Schuette	Steil
Bullard	Jaye		

**Excused—1**

Berryman

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

**Conference Reports**

**House Bill No. 5594, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1999; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning **House Bill No. 5594, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1999; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House and to the following amendments:

1. Amend page 1, line 1, by striking out all of part 1 and inserting:

“PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the state transportation department and certain state purposes designated in this act for the fiscal year ending September 30, 1999, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**STATE TRANSPORTATION DEPARTMENT**

APPROPRIATION SUMMARY:

Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	3,176.3	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 2,797,894,400</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....	29,357,500	
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 2,768,536,900</b>
Federal revenues:		
Total federal revenues .....	831,817,800	
Special revenue funds:		
Total local revenues .....	5,300,000	
Total private revenues .....	0	
Total other state restricted revenues .....	1,931,419,100	
State general fund/general purpose .....	0	\$

**Sec. 102. DEBT SERVICE**

State trunkline .....	\$ 46,548,200
Trunkline bonds, series 1989A-EDF (\$100,000,000) .....	11,469,600
Critical bridge .....	3,000,000
Blue water bridge .....	2,367,100
Comprehensive transportation .....	23,078,900
<b>GROSS APPROPRIATION .....</b>	<b>\$ 86,463,800</b>

Appropriated from:

Special revenue funds:	
Comprehensive transportation fund .....	23,078,900
Michigan transportation fund .....	14,469,600
State trunkline fund .....	46,548,200
Blue water bridge fund .....	2,367,100
State general fund/general purpose .....	\$ 0

**Sec. 103. INTERDEPARTMENT & STATUTORY CONTRACTS**

Michigan transportation fund (MTF)	
MTF grant to department of civil service .....	\$ 100,000
MTF grant to department of environmental quality .....	780,000
MTF grant to department of management and budget .....	349,400
MTF grant to department of state .....	47,104,600
MTF grant to department of state police .....	613,600
MTF grant to department of treasury .....	6,899,900
MTF grant to legislative auditor general .....	162,500

State trunkline fund (STF)	
STF grant to department of attorney general .....	2,246,400
STF grant to department of civil service .....	2,100,000
STF grant to department of management and budget .....	578,600
STF grant to department of natural resources .....	36,300
STF grant to department of state police .....	6,087,500
STF grant to department of treasury .....	18,800
STF grant to legislative auditor general .....	341,000
State aeronautics fund (SAF)	
SAF grant to department of attorney general .....	109,800
SAF grant to department of civil service.....	56,300
SAF grant to department of management and budget.....	43,000
SAF grant to department of treasury .....	58,700
SAF grant to legislative auditor general.....	15,700
Comprehensive transportation fund (CTF)	
CTF grant to department of attorney general .....	116,600
CTF grant to department of civil service.....	112,700
CTF grant to department of management and budget.....	27,200
CTF grant to department of treasury .....	7,500
CTF grant to legislative auditor general.....	36,100
GROSS APPROPRIATION .....	\$ 68,002,200
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund.....	300,100
Michigan transportation fund.....	56,010,000
State aeronautics fund.....	283,500
State trunkline fund.....	11,408,600
State general fund/general purpose .....	\$ 0
<b>Sec. 104. EXECUTIVE DIRECTION</b>	
Full-time equated unclassified positions .....	6.0
Full-time equated classified positions .....	33.3
Unclassified salaries.....	\$ 462,600
Commission audit—33.3 FTE positions .....	2,800,000
GROSS APPROPRIATION .....	\$ 3,262,600
Appropriated from:	
Special revenue funds:	
State trunkline fund.....	3,262,600
State general fund/general purpose .....	\$ 0
<b>Sec. 105. ADMINISTRATIVE SERVICES</b>	
Full-time equated classified positions .....	135.7
Administration and data center—98.7 FTE positions .....	\$ 23,606,000
Building occupancy charges-property management.....	3,889,100
Human resources—32.0 FTE positions .....	2,452,900
Economic development administration—5.0 FTE positions .....	500,700
Rent .....	1,940,000
Worker's compensation .....	2,494,400
GROSS APPROPRIATION .....	\$ 34,883,100
Appropriated from:	
Special revenue funds:	
General fund restricted purpose .....	129,800
State aeronautics fund.....	808,600
Comprehensive transportation fund.....	1,232,300
Michigan transportation fund.....	424,900
State trunkline fund.....	32,287,500
State general fund/general purpose .....	\$ 0
<b>Sec. 106. BUREAU OF FINANCE AND ADMINISTRATION</b>	
Full-time equated classified positions .....	277.5
Administration—277.5 FTE positions.....	\$ 24,035,200
GROSS APPROPRIATION .....	\$ 24,035,200

Appropriated from:	
IDT - intradepartmental charges.....	5,022,700
Special revenue funds:	
Michigan transportation fund.....	462,700
State trunkline fund.....	18,549,800
State general fund/general purpose .....	\$ 0
<b>Sec. 107. BUREAU OF TRANSPORTATION PLANNING</b>	
Full-time equated classified positions .....	182.1
Administration—182.1 FTE positions.....	\$ 15,332,200
Grants to regional planning councils.....	488,800
GROSS APPROPRIATION .....	\$ 15,821,000
Appropriated from:	
Federal revenues:	
DOT-FHWA highway research, planning, and construction.....	7,275,000
Special revenue funds:	
State aeronautics fund.....	228,400
Comprehensive transportation fund.....	1,631,000
Michigan transportation fund.....	4,320,300
State trunkline fund.....	2,366,300
State general fund/general purpose .....	\$ 0
<b>Sec. 108. BUREAU OF HIGHWAYS</b>	
Full-time equated classified positions .....	1,638.1
Engineering operations—821.7 FTE positions .....	\$ 33,095,400
Maintenance operations—80.0 FTE positions .....	6,806,600
Program services—736.4 FTE positions .....	31,681,800
GROSS APPROPRIATION .....	\$ 71,583,800
Appropriated from:	
Federal revenues:	
DOT-FHWA highway research, planning, and construction.....	2,000,000
DOT-NHTSA, state and community highway safety .....	146,800
IDT - intradepartmental charges.....	12,500,000
Special revenue funds:	
Michigan transportation fund.....	1,739,500
State trunkline fund.....	55,197,500
State general fund/general purpose .....	\$ 0
<b>Sec. 109. HIGHWAY MAINTENANCE</b>	
Full-time equated classified positions .....	713.1
State trunkline operations—713.1 FTE positions .....	\$ 90,978,400
Contract operations .....	124,128,300
GROSS APPROPRIATION .....	\$ 215,106,700
Appropriated from:	
IDT - intradepartmental charges.....	11,834,800
Special revenue funds:	
State trunkline fund.....	203,271,900
State general fund/general purpose .....	\$ 0
<b>Sec. 110. ROAD AND BRIDGES PROGRAMS</b>	
State trunkline federal aid and road and bridge construction.....	\$ 919,792,700
Local federal aid and road and bridge construction.....	180,000,000
Grants to local programs.....	33,000,000
Rail grade crossing .....	3,000,000
Critical bridge program.....	5,250,000
Urban economic infrastructure improvement.....	4,000,000
County road commissions .....	534,089,600
Cities and villages.....	297,778,900
GROSS APPROPRIATION .....	\$ 1,976,911,200
Appropriated from:	
Federal revenues:	
DOT-FHWA highway research, planning, and construction.....	791,250,000

Special revenue funds:	
Local funds .....	5,000,000
Blue water bridge fund.....	10,000,000
Michigan transportation fund .....	872,868,500
State trunkline fund.....	297,792,700
State general fund/general purpose .....	\$ 0
<b>Sec. 111. BLUE WATER BRIDGE</b>	
Full-time equated classified positions .....	32.0
Blue water bridge operations—32.0 FTE positions .....	\$ 9,944,100
GROSS APPROPRIATION .....	\$ 9,944,100
Appropriated from:	
Special revenue funds:	
Blue water bridge fund.....	9,944,100
State general fund/general purpose .....	\$ 0
<b>Sec. 112. TRANSPORTATION ECONOMIC DEVELOPMENT FUND</b>	
Forest roads .....	\$ 5,040,000
Rural county urban system.....	2,500,000
Target industries/economic redevelopment.....	14,899,000
Urban county congestion.....	11,434,300
Rural county primary .....	11,434,300
GROSS APPROPRIATION .....	\$ 45,307,600
Appropriated from:	
Special revenue funds:	
General fund restricted purpose .....	12,870,000
Michigan transportation fund .....	28,437,600
State trunkline fund.....	4,000,000
State general fund/general purpose .....	\$ 0
<b>Sec. 113. BUREAU OF AERONAUTICS</b>	
Full-time equated classified positions .....	56.0
Administration—56.0 FTE positions .....	\$ 7,548,500
Air service program .....	1,500,000
GROSS APPROPRIATION .....	\$ 9,048,500
Appropriated from:	
Special revenue funds:	
State aeronautics fund.....	9,048,500
State general fund/general purpose .....	\$ 0
<b>Sec. 114. BUREAU OF URBAN &amp; PUBLIC TRANSPORTATION</b>	
Full-time equated classified positions .....	108.5
Administration—108.5 FTE positions.....	\$ 8,286,900
GROSS APPROPRIATION .....	\$ 8,286,900
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund.....	6,860,200
Michigan transportation fund .....	1,426,700
State general fund/general purpose .....	\$ 0
<b>Sec. 115. BUS TRANSIT DIVISION; STATUTORY OPERATING</b>	
Local bus operating .....	\$ 154,950,200
Nonurban operating/capital .....	6,646,000
GROSS APPROPRIATION .....	\$ 161,596,200
Appropriated from:	
Federal revenues:	
DOT-federal transit act.....	6,546,000
Special revenue funds:	
Comprehensive transportation fund.....	154,950,200
Local funds .....	100,000
State general fund/general purpose .....	\$ 0
<b>Sec. 116. INTERCITY PASSENGER AND FREIGHT</b>	
Freight property management.....	\$ 2,000,000
Detroit/Wayne County port authority .....	301,800

Intercity bus equipment.....	2,824,500
Intercity bus passenger service.....	1,000,000
Rail passenger service.....	6,667,300
Freight preservation and development.....	7,500,000
Rail infrastructure loan program .....	3,300,000
Intercity bus service development .....	1,025,500
Marine passenger service .....	1,100,000
Terminal development.....	1,000,000
<b>GROSS APPROPRIATION .....</b>	<b>\$ 26,719,100</b>

Appropriated from:

Federal revenues:

DOT-federal transit act.....	1,000,000
DOT-FRA, local rail freight assistance.....	2,000,000
DOT-FRA, rail passenger/HSGT .....	3,000,000

Special revenue funds:

Rail preservation fund.....	2,000,000
Intercity bus equipment fund.....	500,000
Rail infrastructure fund.....	300,000
Comprehensive transportation fund .....	17,869,100
Local funds .....	50,000
State general fund/general purpose .....	\$ 0

**Sec. 117. PUBLIC TRANSPORTATION DEVELOPMENT**

Specialized services .....	\$ 3,600,100
Municipal credit program.....	2,000,000
Bus capital .....	29,400,000
Ride sharing .....	330,700
Van pooling.....	145,000
Bus property management.....	175,000
Service development and new technology .....	1,675,000
Planning grants .....	150,000
Audit settlements .....	200,000
Regional service coordination .....	1,000,000
Work first initiative .....	2,246,600
<b>GROSS APPROPRIATION .....</b>	<b>\$ 40,922,400</b>

Appropriated from:

Federal revenues:

DOT-federal transit act.....	18,600,000
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Special revenue funds:

Comprehensive transportation fund .....	22,172,400
Local funds .....	150,000
State general fund/general purpose .....	\$ 0

2. Amend page 12, line 13, by striking out all of section 201 and inserting:

“Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1998-1999 is estimated at \$1,931,419,100.00 and state sources paid to local units of government for fiscal year 1998-1999 are estimated at \$1,075,448,700.00. The itemized list below identifies appropriations from which spending to units of local government will occur:

**DEPARTMENT OF TRANSPORTATION**

Local grant program.....	\$ 33,000,000
Economic development fund .....	30,408,600
Grants to cities and villages.....	297,778,900
Grants to county road commissions .....	534,089,600
Critical bridge program.....	5,250,000
Grants to regional planning councils.....	488,800
Local bus operating.....	154,950,200
Bus capital .....	12,000,000
Marine passenger service .....	1,100,000
Detroit/Wayne County port authority .....	301,800
Local ride sharing operating grants .....	330,700

Planning grants .....	150,000
Municipal credit program.....	2,000,000
Specialized services .....	3,600,100
Total payments to local units of government.....	\$ 1,075,448,700

(2) If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the department of management and budget, the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director.”

3. Amend page 19, line 22, by striking out all of section 310 and inserting:

“Sec. 310. Sixty days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate house and senate appropriations subcommittees and the house and senate fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate house and senate appropriations subcommittees and the house and senate fiscal agencies within 30 months.”

4. Amend page 21, line 14, after “a” by inserting “type II”.

5. Amend page 22, line 15, by striking out all of section 319 and inserting:

“Sec. 319. (1) The department of management and budget and each principal executive department and agency shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all personal service contracts awarded without competitive bidding, pricing, or rate setting. The notification shall include all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(2) For personal service contracts of \$100,000.00 or more, the department of management and budget shall provide a monthly report on all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(3) The department of management and budget shall provide a monthly listing of all bid requests or requests for proposal that were issued.

(4) Each principal executive department and agency shall provide a monthly summary listing of information that identifies any authorizations for personal service contracts that are provided to the department of civil service pursuant to delegated authority granted to each principal executive department and agency related to personal service contracts.”

6. Amend page 24, line 18, by striking out all of section 321.

7. Amend page 25, following line 27, by striking out all of section 324.

8. Amend page 25, following line 27, by striking out all of sections 325 and 326 and inserting:

“Sec. 325. The department shall conduct a study on the distribution of funds from the Michigan transportation fund. The report shall recommend factors to be included in a formula which would encourage road agencies to implement technologies or schedules to maximize the practical useful life of roads and streets. The report shall be submitted to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies by March 1, 1999.

Sec. 326. (1) For purposes of safety and brush control and for maintaining health and safety under section 15b of 1951 PA 51, MCL 247.665b, road authorities shall mow the right-of-way of a public road in accordance with the requirements prescribed in this section, subject to the following:

(a) This section does not apply within the limits of a city or village.

(b) This section is not mandatory with respect to public road rights-of-way within designated federal aid urban boundaries.

(c) Property owners may mow public road rights-of-way immediately in front of their residences, schools, or businesses.

(2) Mowing shall be 12 feet or to the leading edge of the ditch, whichever is less, adjacent to both shoulders of the roadway to any height at any time. The area between the ditch bottom and the back slopes of the rights-of-way shall be protected from mowing between September 1 and the following July 15 except as permitted in this subsection. Spraying shall be limited to the control of noxious weeds and brush within this area. From July 16 through August 31, mowing may be through the entire right-of-way if needed, including through the ditch bottom, while maintaining not

less than 12 inches of grass height from the back of the ditch to the back of the right-of-way and within the median. Between July 16 and the following March 1, mechanical brush and woody stem control may be completed to whatever height is needed to provide control and safety. Twenty-five percent of all roads shall be designated annually for brush control that includes mowing with follow-up herbicide treatment during the next growing season.

(3) The mowing standards prescribed in this section shall apply to all medians 70 feet wide or more. Medians 70 feet wide or more shall be maintained as brush-free as possible and with a grass height of at least 12 inches. Twenty-five percent of the medians within a region shall be annually designated for removal or spot spray treatment of unwanted brush and trees. It is the intent of the legislature that the mowing standards prescribed in this section apply to medians 50 or more feet wide 3 years after the effective date of this section.

(4) All mowing of the back slope and wide median areas beyond the 12-foot width from the road edge shall be performed so as to ensure a minimum of 12 inches of grass remains by September 1 each year, except in those zones designated for brush control. Areas of brush within the right-of-way shall be mowed back to prevent brush from becoming established within the right-of-way. Brush or tree stumps shall be spot treated with herbicide, as needed, for long-term control.

(5) A right-of-way may be mowed as necessary to maintain public health and safety.

(6) The road authority shall not provide compensation for any mowing or spraying that does not comply with this section.”

9. Amend page 25, following line 27, by striking out all of sections 327 and 328.

10. Amend page 25, following line 27, by inserting:

“Sec. 329. The department shall work with the federal government regarding the development of a 4-lane limited access highway connecting south-central Michigan with Ohio.

Sec. 330. The department may prepare a report on the status and operation of its pavement management system for proposed road repair and construction projects. This report may also compare the costs and benefits of bituminous asphalt versus concrete paving materials used on state trunkline construction, repair, and maintenance projects. This report may identify and compare initial cost differences, expected pavement life cycles, as well as long-term maintenance and repair costs, and should be presented to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies by March 1, 1999.

Sec. 331. Of the funds appropriated in section 101 for road and bridge programs, the department shall not allocate any funds for the restoration or relocation of the Old North Park Street Bridge or any other section of the stated bridge between Grand Rapids and Walker.

Sec. 333. If a department enters into a personal services contract with any temporary service agency or similar contractor that hires or subcontracts with a person who retired from employment in the department under the early retirement program under section 19f of the state employees’ retirement act, 1943 PA 240, MCL 38.19f, the retired state employee shall be limited to 500 hours for professional, technical, or clerical services and 250 hours for management services. This limitation does not apply to computer technology services. This provision only applies during a 24-month period after the date of retirement. This section applies to each principal executive department and agency.”

11. Amend page 26, line 16, by striking out all of section 402 and inserting:

“Sec. 402. (1) Twenty-three to twenty-seven percent of the remaining DOT-FHWA highway research, planning, and construction federal funds appropriated in section 110 shall be allocated to programs administered by local jurisdictions after deduction of the following:

(a) Funds that are specifically allocated at the federal level to the state or local jurisdictions.

(b) Funds allocated by the department to the state and to local jurisdictions through a competitive process.

(2) Federal aid excluded from the calculation of funding allocated to programs administered by local jurisdictions in subsection (1) includes, but is not limited to, congestion mitigation and air quality funds, federal bridge funds, transportation enhancement funds, funds distributed at the discretion of the United States secretary of transportation, and congressionally designated funds.

(3) The funds shall be distributed to eligible local agencies for transportation purposes in a manner consistent with state and federal law.

(4) It is the intent of the legislature that federal aid to highways allocated to local jurisdictions in subsection (1) be distributed in a manner that produces a 25% average allocation of applicable funds to programs for local jurisdictions in each fiscal year through the fiscal year ending September 30, 2005. Beginning in the fiscal year ending September 30, 1999, the average allocation of applicable federal aid to highway funds to programs for local jurisdictions shall be the average of the amount distributed to local jurisdictions under subsection (1) and similarly calculated distributions in each succeeding fiscal year.

(5) The allocation percentage described in subsection (1) shall be adjusted to reflect any voluntary agreements made by the department with local jurisdictions regarding the transfer of federal aid eligible roadways or the state buyout of local federal aid.”



12. Amend page 28, line 1, after "Sec. 403." by striking out the balance of the line through "year." on line 5 and inserting "Before December 1 of each year, the department will provide to the house and senate fiscal agencies for use by the legislature a report outlining state and local federal aid expenditures on road and bridge projects for the previous fiscal year."

13. Amend page 28, line 26, by striking out all of section 405.

14. Amend page 29, line 20, by striking out all of section 503 and inserting:

"Sec. 503. The department shall reimburse a city or township that has received prior approval to eliminate or cut roadside weeds due to negligence on the part of a county or private contractor in performing its contractual obligations and shall deduct that amount from the funds appropriated to the county or paid to the contractor involved."

15. Amend page 34, line 4, by striking out all of section 601 and inserting:

"Sec. 601. The department shall give funding priority for the funds appropriated in part 1 for state trunkline federal aid and road and bridge construction to projects for which funding has already been programmed and appropriate planning has been conducted. Examples of such projects include the completion of the improvements for M-59 in Macomb County, the Gull Road (M-43) improvement project in Kalamazoo County, and the I-94 business loop in Battle Creek. The department shall make every effort to ensure that such projects are completed in a timely manner."

16. Amend page 34, line 21, after "\$2,000,000.00" by striking out "shall" and inserting "may".

17. Amend page 35, line 10, by striking out all of sections 607 and 608.

18. Amend page 36, following line 27, following section 609, by striking out all of sections 610, 611, 612, and 613 and inserting:

"Sec. 611. The department shall work with the southeast Michigan council of governments and any community task force groups organized by communities lying along the Telegraph road corridor to conduct necessary planning and surveying activities to make needed improvements to the Telegraph road corridor.

Sec. 615. The department shall undertake a study of traffic patterns on I-94 in Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, and Berrien counties, and on I-69 in St. Clair, Lapeer, Genesee, Shiawassee, Clinton, Ingham, Eaton, Calhoun, and Branch counties. The department shall provide a copy of this report to the members of the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies on or before September 30, 1999. This report shall make specific recommendations regarding the expansion of bridges and overpasses on I-94 and I-69 to accommodate future transportation needs.

Sec. 616. If the department uses manufactured pipe for road construction drainage, the department shall inspect the pipe pursuant to state standards before the laying of concrete or bituminous paving materials."

19. Amend page 42, line 20, after "Dearborn to" by striking out the balance of the line and inserting "Flat Rock."

20. Amend page 42, following line 25, by inserting:

"INDIANA AND OHIO RAILWAY COMPANY (RAIL TEX):  
Flat Rock to Ohio State Line via Dundee."

21. Amend page 47, line 3, by striking out all of section 713.

22. Amend page 51, line 4, by striking out all of section 719.

23. Amend page 51, line 17, by striking out all of section 721 and inserting:

"Sec. 721. It is the intent of the legislature to achieve coordinated services between DDOT and SMART by October 1, 1999. If this coordination is not achieved by October 1, 1999, the following shall occur:

(a) The legislature intends to require separate future reimbursements to these agencies based on eligible operating expenses.

(b) The chairpersons and vice-chairpersons of the house and senate appropriations subcommittees on transportation shall form a special committee to develop and adopt a regional transportation plan for the southeast Michigan tri-county metropolitan area."

24. Amend page 51, following line 18, following section 722, by inserting:

"Sec. 724. The department shall conduct a study of violent crimes committed against bus operators and bus passengers on public transit systems in the state. The study shall examine the type and frequency of violent crimes committed against bus operators and bus passengers and shall make recommendations on ways to reduce violent crimes on public transit systems. This report shall be submitted to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies by April 1, 1999."

25. Amend page 52, line 1, by striking out all of section 802.

26. Amend page 52, following line 15, by inserting:

"Sec. 804. Of the funds appropriated for administration in section 113 for the bureau of aeronautics, not more than \$1,670,000.00 is appropriated for the purchase of equipment upgrades necessary to safely operate the state air fleet. Thirty days prior to the expenditure of these funds, notification shall be sent to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies."

27. Amend page 52, line 17, by striking out all of section 902 and inserting:

"Sec. 902. This act does not take effect unless Senate Bill No. 1156 of the 89th Legislature is enacted into law."



This budget was particularly difficult because we had more money. If you recall, last year, after we passed the last budget, we were talking about bringing back \$60 to \$100 million. I can remember when our Governor, Governor Engler, was being criticized for being overly optimistic, saying that Michigan could bring back as many as \$200 million in new federal dollars to the state transportation budget. People were calling him crazy and unrealistic. Well, maybe he was a bit conservative in his estimates, but due to his diligence and that of our United States congressional delegation, Michigan was actually one of the big winners in the IST re-authorization. In the final analysis, this budget of nearly \$2.9 billion reflects an increase in new federal funding of over \$300 to \$310 million.

I look at the reporters out there and my colleagues out here—nobody called that one. Nobody said it would be less than maybe \$100 million—the Governor was crazy. Well, that's \$310 million in new money. Well, we divided it up—75/25—75 for the state and 25 for locals. This budget reflects a good deal of new checks and balances of our systems in transportation. We tried to prevail, and we were not successful. But this body tried to prevail in making certain that the interdepartmental grants were being phased out. Well, we weren't successful on that front. They weren't phased out in this budget.

I think it's important that we put the bureaucracy and the other state departments that had enjoyed these interdepartmental grants in the past on notice that next year they are over. There will be no interdepartmental grants unless it's statutorily authorized. And last year, Public Act No. 179 said there shall be a phase out of these interdepartmental grants. These are dollars that are not going to roads and bridges that otherwise should be going to roads and bridges. This budget reflects no increase in the diesel tax. This chamber has been on record as voting against increasing diesel taxes in the state of Michigan and for good reason.

Finally, this bill reflects the only tie-bar in the appropriations process. This tie-bar is tied-barred to a bill that we earlier sent out of this chamber, Senate Bill No. 1156. What we did in the agreement was the House has agreed to go along with a two-year extension in the sunset. The sunset shall expire on Public Act No. 51 of 1951. That shall expire on September 30 in the year 2000.

Secondly, and finally, the last part of the agreement is that there shall be a needs study undertaken. And the needs study shall be appointed by the Governor. That is the extent of the tie-bar bill that currently sits in the House of Representatives. My hope is that we receive that bill yet today. I would ask the membership for their support in concurrence in the conference report.

By unanimous consent the Senate returned to the order of

#### Messages from the House

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

#### Senate Bill No. 281, entitled

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

Substitute (H-5).

The question being on concurring in the substitute made to the bill by the House, Senator Bullard offered the following substitute to the House substitute:

Substitute (S-6).

The substitute to the substitute was adopted.

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

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

#### Roll Call No. 644

#### Yeas—26

Bullard  
Byrum

Emmons  
Gast

O'Brien  
Peters

Smith, A.  
Smith, V.

Cherry  
Cisky  
Conroy  
DeGrow  
Dingell

Geake  
Hoffman  
Koivisto  
McManus  
Miller

Posthumus  
Schuette  
Schwarz  
Shugars

Steil  
Stille  
Van Regenmorter  
Young

**Nays—9**

Bennett  
Bouchard  
DeBeaussaert

Dunaskiss  
Gougeon

Hart  
Jaye

North  
Rogers

**Excused—1**

Berryman

**Not Voting—1**

Vaughn

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1998 PA 209 and section 36 as amended by 1996 PA 554.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

**Protests**

Senators Bouchard, Gougeon, Bennett, Dunaskiss, Rogers, Jaye and North, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 281.

Senator Bouchard's statement, in which Senators Gougeon, Bennett, Dunaskiss, Rogers, Jaye and North concurred, is as follows:

I think that the good Senator from the 15th did a marvelous job in improving what the House had sent over here. However, I voted "no" as I have in the past when the bill was previously before us because I believe that the 650 Lifer law, the reductions, are not called for.

We convict about one to one and a half individuals a month statewide for this with a drug quantity, depending on how many times it is stepped on (in street terms) or cut in non-street terms; a value of anywhere from \$250,000 to a \$1 million worth of drugs. I don't believe first-time offenders, which is the misnomer that has been applied to some of these individuals, are given that amount of drugs any first time. I think the correct label would be the first-time convicted. I don't think any business provides anyone with a quarter million to a million dollars worth of goods if they're not trusted and part of an organization.

Secondly, the individuals in our state are very much aware of this law and, as was previously mentioned when this left the chamber last time, petitions to repeal this law were recovered in a raid on a drug dealer's home.

Finally, for those who say that drugs are a non-violent crime, the Department of Justice concludes that about 70 percent to 75 percent of all crimes are related either directly or indirectly to drugs.

For those reasons, I believe this bill is not the proper thing to do, and I voted "no."

Senator Rogers moved that his name be removed as sponsor of the following bill:

**Senate Bill No. 281**

The motion prevailed.

**Recess**

Senator DeGrow moved that the Senate recess until 3:00 p.m.

The motion prevailed, the time being 12:55 p.m.

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

Senator DeGrow moved that Senators Stille and Geake be temporarily excused from the balance of today's session.

The motion prevailed.

Senator DeGrow moved that Senator Cisky be excused from the balance of today's session.

The motion prevailed.

Senator Geake entered the Senate Chamber.

**Senate Bill No. 37, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," (MCL 38.1001 to 38.1080) by adding section 23f.

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1957 PA 261, entitled "An act for the creation, maintenance, and administration of a legislative members' and presiding officers' retirement system within the legislature; to provide retirement allowances to the participants of the retirement system, and survivors' allowances and other benefits to their beneficiaries upon death; to exempt those allowances and benefits from certain taxes and legal processes; to authorize and make appropriations for the retirement system; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; and to prescribe penalties and provide remedies," by amending section 62 (MCL 38.1062), as added by 1996 PA 486.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 645**

**Yeas—33**

Bennett  
Bouchard

Emmons  
Gast

McManus  
Miller

Schwarz  
Shugars

Byrum  
Cherry  
Conroy  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss

Geake  
Gougeon  
Hart  
Hoffman  
Jaye  
Koivisto

North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Smith, A.  
Smith, V.  
Steil  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—1**

Bullard

In The Chair: Schwarz

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

**Senate Bill No. 38, entitled**

A bill to regulate benefits provided to certain public employee retirement system participants in this state; and to prescribe powers and duties of certain retirement systems, state departments, public officials, and public employees. Substitute (H-1).

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

**Roll Call No. 646**

**Yeas—34**

Bennett  
Boucharde  
Bullard  
Byrum  
Cherry  
Conroy  
DeBeaussaert  
DeGrow  
Dingell

Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye  
Koivisto

McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Schwarz  
Shugars  
Smith, A.  
Smith, V.  
Steil  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—0**

In The Chair: Schwarz

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

**Senate Bill 273, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 82105, 82106, and 82113 (MCL 324.82105, 324.82106, and 324.82113), sections 82105 and 82106 as added by 1995 PA 58 and section 82113 as amended by 1997 PA 102.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-5). The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 796, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

The House of Representatives has rejected the report of the Committee of Conference and has appointed Reps. LaForge, Agee and Horton as second conferees.

The message was referred to the Secretary for record.

**Senate Bill No. 907, entitled**

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

(For Conference Report, see Senate Journal No. 58, p. 1491.)

The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

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

**Senate Bill No. 1093, entitled**

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry composting; to prescribe the powers and duties of certain state departments; to impose fees; to prescribe penalties; and to repeal certain acts and parts of acts," by amending the title and sections 3, 15, 19, 21, 23, and 29 (MCL 287.653, 287.665, 287.669, 287.671, 287.673, and 287.679), the title and sections 3, 15, 19, 23, and 29 as amended by 1993 PA 228 and section 21 as amended by 1996 PA 65, and by adding section 28.

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

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

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

**Senate Bill No. 329, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 7 (MCL 338.977), as amended by 1985 PA 168.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 2, by striking out "SUBSECTIONS (3) AND (4)" and inserting "SUBSECTION (3)".

2. Amend page 2, line 20, after "1-" by striking out "OR 2- FAMILY" and inserting "TO 4- FAMILY".

3. Amend page 2, line 21, by striking out all of subsection (4) and renumbering the remaining subsections.

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 647**

**Yeas—34**

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

**Nays—0**

**Excused—3**

Berryman	Cisky	Stille
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**Not Voting—0**

In The Chair: Schwarz

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 330, entitled**

A bill to amend 1929 PA 266, entitled "An act to protect the health, and promote the safety and welfare of the people, by regulating the installation, alteration, maintenance, improvement and inspection of plumbing; to define plumbing and the classification of plumbers; to provide for the issuing of licenses and permits pertaining thereto and the disposition of moneys derived therefrom; to create a plumbing board, and to prescribe its powers and duties; to authorize cities, villages and townships to adopt and enforce certain standards; to establish remedies and fix penalties for violation of the provisions of this act," (MCL 338.901 to 338.917) by adding section 4a.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 1, by striking out all of subsection (2) and renumbering the remaining subsections.

2. Amend page 2, line 14, after "1-" by striking out "OR 2- FAMILY" and inserting "TO 4- FAMILY".

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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



**Roll Call No. 648****Yeas—34**

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

**Nays—0****Excused—3**

Berryman	Cisky	Stille
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**Not Voting—0**

In The Chair: Schwarz

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

**Senate Bill No. 331, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 5 (MCL 338.885), as amended by 1992 PA 130.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 3, by striking out all of subsection (2) and renumbering the remaining subsections.
2. Amend page 2, line 17, after "1-" by striking out "OR 2- FAMILY" and inserting "TO 4- FAMILY".

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 649****Yeas—34**

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

**Nays—0**

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—0**

In The Chair: Schwarz

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

**Senate Bill No. 684, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 208b (MCL 257.208b), as amended by 1998 PA 12.

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

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

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

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

**Roll Call No. 650**

**Yeas—34**

Bennett  
Boucharde  
Bullard  
Byrum  
Cherry  
Conroy  
DeBeaussaert  
DeGrow  
Dingell

Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye  
Koivisto

McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Schwarz  
Shugars  
Smith, A.  
Smith, V.  
Steil  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—0**

In The Chair: Schwarz

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

**Senate Bill No. 808, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1011 (MCL 600.1011), as added by 1996 PA 388; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 821. (1) The following probate judges shall not engage in the practice of law other than as a judge and shall receive, subject to subsection (7), an annual salary provided in this section:

(a) A probate judge of a county that is not part of a proposed probate court district described in section 807.

(b) The probate judge in each probate court district in which a majority of the electors voting on the question in each county of probate court district has approved or approves creation of the district.

(c) A probate judge in a county having a population of 15,000 or more ACCORDING TO THE 1990 FEDERAL DECENNIAL CENSUS, if the county is not part of a probate court district created pursuant to law.

(2) Until the salary of a justice of the supreme court exceeds \$128,538.00, each probate judge shall receive an annual salary of \$109,257.00 determined as follows:

(a) A minimum annual salary of \$63,533.00.

(b) An additional salary of \$45,724.00 paid by the county or by the counties comprising a probate court district. If a probate judge receives a total additional salary of \$45,724.00 from the county, or from the counties comprising a probate court district, and does not receive less than or more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the county or counties the amount that the county or counties have paid to the judge.

(3) If the salary of a justice of the supreme court exceeds \$128,538.00, each probate judge shall receive an annual salary determined as follows:

(a) A minimum annual salary of the difference between 85% of the salary of a justice of the supreme court and \$45,724.00.

(b) An additional salary of \$45,724.00 paid by the county or by the counties comprising a probate court district. If a probate judge receives a total additional salary of \$45,724.00 from the county, or from the counties comprising a probate court district, and does not receive less than or more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the county or counties the amount that the county or counties have paid to the judge.

(4) Six thousand dollars of the minimum annual salary provided in subsection (2), (3), or (4) shall be paid by the county, or by the counties comprising a probate court district, and the balance of that minimum annual salary shall be paid by the state as a grant to the county or the counties comprising the probate court district. The county, or the counties comprising the probate court district, shall in turn pay that amount to the probate judge. Beginning January 1, 1997, the state shall annually reimburse the county or counties \$6,000.00 for each probate judge to offset the cost of the county or counties required by this section.

(5) The salary provided in this section shall be IS full compensation for all services performed by a probate judge, except as otherwise provided by law. In a probate court district, each county of the district shall contribute to the salary in the same proportion as the population of the county bears to the population of the district.

(6) An additional salary determined by the county board of commissioners may be increased during a term of office but shall not be decreased except to the extent of a general salary reduction in all other branches of government in the

county. In a county where an additional salary is granted, it shall be paid at the same rate to all probate judges regularly holding court in the county.

(7) An increase in the amount of salary payable to a judge under subsection (1) caused by an increase in the salary payable to a justice of the supreme court resulting from the operation of ~~Act No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218 of the Michigan Compiled Laws, shall~~ 1968 PA 357, MCL 15.211 TO 15.218, IS not be effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective. If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective, the increase ~~shall be~~ IS retroactive to January 1 of that year.

Sec. 822. (1) The probate judge of a county having a population of less than 15,000 ACCORDING TO THE 1990 FEDERAL DECENNIAL CENSUS and comprising part of a proposed probate court district in which the electors of 1 or more counties ~~thereof~~ OF THE PROBATE COURT DISTRICT did not approve the ~~same~~ PROBATE COURT DISTRICT shall receive an annual salary of \$20,000.00. Six thousand dollars of the minimum annual salary provided by this subsection shall be paid by the county and the balance of the minimum annual salary shall be paid by the state as a grant to the county. The county shall, in turn, pay that amount to the probate judge.

(2) The annual salary provided in subsection (1) may be increased but shall not be decreased during the term for which the probate judge has been elected or appointed. This salary ~~shall be~~ IS in full compensation for all services performed by the person as probate judge, except as otherwise provided by law. A probate judge whose annual salary is provided in subsection (1) shall not represent a party in a contested proceeding in the probate court of this state.

(3) In addition to the salary provided in subsection (1), a probate judge may receive from the county in which he or she regularly holds court an additional salary of not more than \$43,000.00, as determined by the county board of commissioners. The additional salary may be increased during a term of office but shall not be decreased except to the extent of a general salary reduction in all other branches of government in the county.

(4) The total annual salary of a probate judge, including the salary provided in subsection (1) and any additional salary granted by the county under subsection (3), shall not exceed \$63,000.00.

(5) From funds appropriated to the judiciary, the state shall pay to a county described in subsection (1) a state salary standardization payment of \$5,750.00 for each probate judge and an additional payment of \$6,000.00 for each probate judge to offset the portion of minimum annual salary paid by the county.”.

2. Amend page 3, following line 24, by inserting:

“Enacting section 2. Section 222 of the revised judicature act of 1961, 1961 PA 236, MCL 600.222, is repealed effective January 1, 1999.”.

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

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by amending sections 821, 822, and 1011 (MCL 600.821, 600.822, and 600.1011), section 821 as amended and section 1011 as added by 1996 PA 388 and section 822 as amended by 1996 PA 374; and to repeal acts and parts of acts.

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

Senator Van Regenmorter moved that the rule be suspended.

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

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

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

### Roll Call No. 651

### Yeas—33

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

**Nays—1**

North

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—0**

In The Chair: Schwarz

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

**House Bill No. 4444, entitled**

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," by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 382, 387, 535, and 540g (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.382, 750.387, 750.535, and 750.540g), sections 356c and 356d as added by 1988 PA 20, section 382 as amended by 1980 PA 159, and section 540g as added by 1996 PA 328; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-2) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-2) and agreed to the title.

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

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

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

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

**Roll Call No. 652****Yeas—31**

Bouchard

Bullard

Byrum

Cherry

Conroy

DeBeaussaert

DeGrow

Dingell

Dunaskiss

Emmons

Gast

Geake

Hart

Hoffman

Koivisto

McManus

Miller

North

O'Brien

Peters

Posthumus

Rogers

Schuette

Schwarz

Shugars

Smith, A.

Smith, V.

Steil

Van Regenmorter

Vaughn

Young

**Nays—3**

Bennett

Gougeon

Jaye

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—0**

In The Chair: Schwarz

**House Bill No. 4445, entitled**

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," by amending sections 74, 77, 131, 157s, 157w, 174, 177, 178, 181, 218, and 219a (MCL 750.74, 750.77, 750.131, 750.157s, 750.157w, 750.174, 750.177, 750.178, 750.181, 750.218, and 750.219a), section 131 as amended by 1984 PA 277, section 157s as amended and section 157w as added by 1987 PA 276, and section 219a as amended by 1996 PA 330.

The House of Representatives has substituted (H-2) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-2) and agreed to the title.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 653****Yeas—29**

Bouchar

Dunaskiss

Miller

Shugars

Bullard

Emmons

North

Smith, A.

Byrum

Gast

O'Brien

Smith, V.

Cherry

Geake

Peters

Steil

Conroy

Hart

Rogers

Van Regenmorter

DeBeaussaert

Koivisto

Schuette

Vaughn

DeGrow

McManus

Schwarz

Young

Dingell

**Nays—3**

Bennett

Gougeon

Jaye

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—2**

Hoffman

Posthumus

In The Chair: Schwarz

**House Bill No. 4446, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2952 and 2953 (MCL 600.2952 and 600.2953), section 2952 as added by 1984 PA 276 and section 2953 as added by 1988 PA 50.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 1, line 1, by striking out all of section 821.
2. Amend page 6, line 12, after the first "than" by striking out "\$75.00" and inserting "\$50.00".
3. Amend page 11, following line 24, by striking out all of enacting section 2 and renumbering the remaining enacting section.

The House of Representatives has concurred in the Senate substitute (S-1) as amended and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 822, 2952, and 2953 (MCL 600.822, 600.2952, and 600.2953), section 822 as amended by 1996 PA 374, section 2952 as added by 1984 PA 276, and section 2953 as added by 1988 PA 50.

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

Senator DeGrow moved that the rule be suspended.

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

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

The question being on concurring in the House amendments made to the Senate substitute,  
The amendments were concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 654****Yeas—33**

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

**Nays—0****Excused—4**

Berryman	Cisky	Posthumus	Stille
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title as amended.

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

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

The Senate agreed to the full title.

**Senate Bill No. 880, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 2163 (MCL 600.2163). The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

The following communication was received and read:

Office of the Senate Majority Leader

July 2, 1998

Pursuant to Senate Rule 1.105, I hereby appoint the members below to the following Second Conference Committee:

SB 796 Senator Robert Geake

Senator Jon Cisky

Senator Gary Peters

Please make this communication part of the official Senate record.

Sincerely,  
Dick Posthumus  
Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

**Conference Reports**

Senator Geake submitted the following:

**SECOND CONFERENCE REPORT**

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

**Senate Bill No. 796, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

Recommends:

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

1. Amend page 7, following line 12, subsection (9), after the first "WHO" by inserting "DEMONSTRATES THAT HE OR SHE".

2. Amend page 7, following line 12, by striking out all of subsection (10).

Second: That the Senate and House agree to the Substitute of the House, amended to read as follows:

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1998 PA 120.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 307. (1) An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

~~(a) For an operator's or chauffeur's license, full name, date of birth, address of residence, height, sex, eye color, and signature of the applicant, and other information required or permitted on the license pursuant to this chapter.~~

(A) ~~(b) For an operator's or chauffeur's license with a vehicle group designation or indorsement, THE APPLICANT'S full name, social security number, date of birth, address of residence, height, sex, and EYE COLOR, signature, of the applicant, and other information required or permitted on the license pursuant to UNDER this chapter, AND, TO THE EXTENT REQUIRED TO COMPLY WITH FEDERAL LAW, THE APPLICANT'S SOCIAL SECURITY NUMBER.~~

(B) ~~(c) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications made by the applicant:~~



(i) ~~That the~~ THE applicant meets the applicable federal physical driver qualification requirements ~~pursuant to~~ UNDER 49 C.F.R. part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable physical qualifications ~~pursuant to~~ UNDER the rules promulgated by the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, if the applicant operates or intends to operate in intrastate commerce.

(ii) ~~That the~~ THE vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate.

(iii) ~~That the~~ THE applicant has not been convicted of an offense as described in section 312f or 319b.

(iv) ~~That the~~ THE applicant does not have a driver's license from more than 1 state.

(C) ~~(d)~~ For an operator's or chauffeur's license with a vehicle group designation or indorsement and for which the applicant claims a waiver of the driving test as provided in section 312f, the following additional certifications ~~made~~ by the applicant concerning the 2-year period immediately before application:

(i) ~~That the~~ THE applicant has not had more than 1 license.

(ii) ~~That the~~ THE applicant has not had any license suspended, revoked, or canceled.

(iii) ~~That the~~ THE applicant has not been convicted of any offense described in section 319b while operating a motor vehicle.

(iv) ~~That the~~ THE applicant has not been convicted of a moving violation under state or local law relating to motor vehicle traffic control arising in connection with a traffic accident.

(v) ~~That the~~ THE applicant is regularly employed in a job requiring the operation of a commercial motor vehicle.

(vi) ~~That the~~ THE applicant qualifies under either of the following:

(A) ~~Has~~ HE OR SHE HAS passed a behind-the-wheel driving test given by a state with a commercial motor vehicle driver licensing and testing system and taken in a representative vehicle for that applicant's driver's license vehicle group designation.

(B) ~~Has operated, for~~ FOR at least 2 years immediately preceding application, THE APPLICANT HAS OPERATED a vehicle representative of the commercial motor vehicle group or passenger vehicle for which he or she is applying. ~~Evidence shall be provided by the~~ THE applicant's employer or ~~by~~ the applicant, if self-employed, SHALL PROVIDE EVIDENCE OF THIS REQUIREMENT.

(2) An applicant for an operator's or chauffeur's license may have his or her image captured or reproduced ~~at the time~~ WHEN the application for the license is made. The secretary of state shall acquire by purchase or lease the equipment for capturing the images and may furnish the equipment to a local unit authorized by the secretary of state to license drivers. The secretary of state shall acquire equipment purchased or leased pursuant to this section under standard purchasing procedures of the department of management and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. An image captured pursuant to this section shall appear on the applicant's operator's or chauffeur's license. The secretary of state may retain and use a person's image described in this subsection only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image unless THE PERSON GRANTS written permission for that purpose ~~is granted by the person~~ to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state has access to information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law.

(3) An application shall contain a signature and certification by the applicant and shall be accompanied by the proper fee. The examiner shall collect the application fee and shall forward the fee to the secretary of state with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license. Until January 1, 2002, a service fee of \$1.00 shall be added to each fee collected for an original, renewal, duplicate, or corrected operator's or chauffeur's license. The service fee received and collected under this subsection shall be deposited in the state treasury to the credit of the general fund. The service fee shall be used to defray the expenses of the secretary of state. Appropriations from the Michigan transportation fund shall not be used to compensate the secretary of state for costs incurred and services performed under this section.

(4) In conjunction with the issuance of an operator's or chauffeur's license, the secretary of state shall do all of the following:

(a) Provide the applicant with all of the following:

(i) Written information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310.

(ii) Written information describing the organ donation registry program maintained by Michigan's federally designated organ procurement organization or its successor organization. The written information required under this subparagraph shall include, in a type size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Michigan's federally designated organ procurement organization or its successor

organization, along with an advisory to call Michigan's federally designated organ procurement organization or its successor organization with questions about the organ donor registry program.

(iii) Written information giving the applicant the opportunity to be placed on the organ donation registry described in subparagraph (ii).

(b) Provide the applicant with the opportunity to specify on his or her operator's or chauffeur's license that he or she is willing to make an anatomical gift in the event of death in accordance with section 310.

(c) Inform the applicant in writing that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the organ donor registry described in subdivision (a)(ii), the secretary of state will forward the applicant's name and address to the organ donation registry maintained by Michigan's federally designated organ procurement organization or its successor organization, ~~pursuant to~~ AS REQUIRED BY subsection (6).

(5) The secretary of state may fulfill the requirements of subsection (4) by 1 or more of the following methods:

(a) Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license.

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office.

(c) Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means.

(6) If an applicant indicates a willingness under this section to have his or her name placed on the organ donor registry described in subsection (4)(a)(ii), the secretary of state shall within 10 days forward the applicant's name and address to the organ donor registry maintained by Michigan's federally designated organ procurement organization or its successor organization. The secretary of state may forward information under this subsection by mail or by electronic means. The secretary of state shall not maintain a record of the name or address of an individual who indicates a willingness to have his or her name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have his or her name placed on the organ donor registry that is obtained by the secretary of state under subsection (4) and forwarded under this subsection is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

(7) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the other jurisdiction. When received, the driving record and other available information from the other jurisdiction becomes a part of the driver's record in this state with the same force and effect as if it had been entered on the driver's record in this state in the original instance. If the application is for an original, renewal, or change of a vehicle group designation or indorsement, the secretary of state shall also check the applicant's driving record with the national drivers register and the United States department of transportation before ~~issuance of~~ ISSUING that group designation or indorsement.

(8) Except for a vehicle group designation or indorsement, the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period by mail or by other methods prescribed by the secretary of state. The secretary of state shall issue a renewal license only in person ~~when~~ IF the licensee has a driving record with a conviction or civil infraction determination obtained in the 48 months preceding renewal. However, the secretary of state shall not refuse to issue a renewal license by mail or by other method because of a conviction or civil infraction determination for which fines and costs were waived ~~pursuant to~~ UNDER section 901a or section 907. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future.

(9) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required ~~pursuant to~~ UNDER 49 C.F.R. part 383.

(10) THE SECRETARY OF STATE SHALL NOT DISCLOSE A SOCIAL SECURITY NUMBER OBTAINED UNDER SUBSECTION (1) TO ANOTHER PERSON EXCEPT FOR USE FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

(A) COMPLIANCE WITH THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986, TITLE XII OF PUBLIC LAW 99-570, 100 STAT. 3207-170, AND REGULATIONS AND STATE LAW AND RULES RELATED TO THAT ACT.

(B) THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK, TO CARRY OUT THE PURPOSES OF SECTION 466(A) OF PART D OF TITLE IV OF THE SOCIAL SECURITY ACT, 42 U.S.C. 666, IN CONNECTION WITH MATTERS RELATING TO PATERNITY, CHILD SUPPORT, OR OVERDUE CHILD SUPPORT.

(C) AS OTHERWISE REQUIRED BY LAW.

(11) THE SECRETARY OF STATE SHALL NOT DISPLAY A PERSON'S SOCIAL SECURITY NUMBER ON THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE.

(12) A REQUIREMENT UNDER THIS SECTION TO INCLUDE A SOCIAL SECURITY NUMBER ON AN APPLICATION DOES NOT APPLY TO AN APPLICANT WHO DEMONSTRATES HE OR SHE IS EXEMPT

UNDER LAW FROM OBTAINING A SOCIAL SECURITY NUMBER OR TO AN APPLICANT WHO FOR RELIGIOUS CONVICTIONS IS EXEMPT UNDER LAW FROM DISCLOSURE OF HIS OR HER SOCIAL SECURITY NUMBER UNDER THESE CIRCUMSTANCES. THE SECRETARY OF STATE SHALL INFORM THE APPLICANT OF THIS POSSIBLE EXEMPTION.

Enacting section 1. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity.

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 307 (MCL 257.307), as amended by 1998 PA 120.

R. Robert Geake  
Gary Peters  
Conferees for the Senate

Edward LaForge  
James G. Agee  
Jack Horton  
Conferees for the House

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

The motion prevailed.

The question being on the adoption of the conference report,

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

**Roll Call No. 655**

**Yeas—32**

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

**Nays—1**

Jaye

**Excused—4**

Berryman	Cisky	Posthumus	Stille
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**Not Voting—0**

In The Chair: Schwarz

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

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

**House Bill No. 5883**

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

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

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5883, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43525a.

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. 656****Yeas—34**

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

**Nays—0****Excused—3**

Berryman	Cisky	Stille
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**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

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

The motion prevailed.

Senator Van Regenmorter’s statement is as follows:

I don’t often do this, but I have had for the last number of months a full-time unpaid intern in my office, Jesse Menning—just outstanding. He is from Hope College, which happens to be in my district. He is near the top of his class and hopes to be a physician, joining both parents, as a matter of fact. He hopes to be a physician in pediatric medicine. We will try to talk some sense into his head in the remaining few hours he has here. Over the years, we have had many interns, and he certainly ranks as the very best. He is articulate and thoughtful, and frankly, has had some significant involvement in my office in the passage of some key legislation. I hope my colleagues will join me in showing appreciation for the fine work that Jesse Menning has done.

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

Senator DeGrow moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

**Senate Bill No. 776**

**Senate Bill No. 778**

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

Senator DeGrow moved that the following bill, now on the order of General Orders, be referred to the Committee on Finance:

**Senate Bill No. 779, entitled**

A bill to amend 1943 PA 202, entitled “Municipal finance act,” by amending sections 20, 21, 22, 23, and 24 of chapter IV (MCL 134.20, 134.21, 134.22, 134.23, and 134.24), as added by 1988 PA 206.

The motion prevailed.

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

**House Bill No. 5398**

**Senate Bill No. 281**

The motion prevailed.

By unanimous consent the Senate returned to the order of

#### **Messages from the Governor**

The following messages from the Governor were received:

Date: June 30, 1998

Time: 8:16 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 838 (Public Act No. 204), being**

An act to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the

supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 11a, 51, and 56 (MCL 791.211a, 791.251, and 791.256), sections 11a and 56 as added by 1994 PA 93 and section 51 as amended by 1994 PA 217.

(Filed with the Secretary of State on June 30, 1998, at 11:00 a.m.)

Date: July 1, 1998

Time: 9:00 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 483 (Public Act No. 223), being**

An act to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1995 PA 93.

(Filed with the Secretary of State on July 1, 1998, at 1:36 p.m.)

Date: July 1, 1998

Time: 9:02 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 484 (Public Act No. 224), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 676a (MCL 257.676a), as amended by 1995 PA 92.

(Filed with the Secretary of State on July 1, 1998, at 1:38 p.m.)

Date: July 1, 1998

Time: 9:32 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 443 (Public Act No. 207), being**

An act 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 sections 200h, 200i, 200j, 200k, and 212a.

(Filed with the Secretary of State on July 1, 1998, at 1:04 p.m.)

Date: July 1, 1998

Time: 9:34 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 97 (Public Act No. 208), being**

An act 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,” by amending sections 204a, 207, 209, and 210 (MCL 750.204a, 750.207, 750.209, and 750.210); and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 1, 1998, at 1:06 p.m.)

Date: July 1, 1998

Time: 9:36 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 997 (Public Act No. 209), being**

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

(Filed with the Secretary of State on July 1, 1998, at 1:08 p.m.)

Date: July 1, 1998

Time: 11:04 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 1047 (Public Act No. 220), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding sections 5452, 5453, 5454, 5455, 5456, 5461a, 5462, 5463, 5464, 5465, 5466, 5467, 5471, 5473, and 5476.

(Filed with the Secretary of State on July 1, 1998, at 1:30 p.m.)

Respectfully,  
John Engler  
Governor

The following messages from the Governor were received and read:

June 30, 1998

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

**Commission on Disability Concerns**

Mrs. Lenore Spagnuolo Coscarelli, 3413 Oakmont, Lansing, Michigan 48911, county of Ingham, as a member representing the general public, succeeding Dr. David A. Stewart of Mason, who has resigned, for a term expiring on March 5, 2000.

June 30, 1998

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

**Grape and Wine Industry Council**

Mr. Kim L. Gary, 2842 Bellegrade Court, SE, Grand Rapids, Michigan 49546, county of Kent, as a member representing wine wholesalers, succeeding Mr. J. Lewis Cooper III of Grosse Pointe, whose term has expired, for a term expiring on October 9, 1999.

Mr. Chris E. Oxley, 77596 CR 652, Lawton, Michigan 49065, county of Van Buren, as a member representing grape growers, succeeding Mr. Carl Benjamin Oxley II of Cheboygan, for a term expiring on October 9, 1999.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

**Recess**

Senator Schwarz moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 4:04 p.m.

4:07 p.m.

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

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

**House Bill No. 5627, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501, 61506, and 61525 (MCL 324.61501, 324.61506, and 324.61525), section 61501 as amended by 1998 PA 115 and sections 61506 and 61525 as added by 1995 PA 57, and by adding sections 61506b and 61513a.

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

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

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. 5627, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501, 61506, and 61525 (MCL 324.61501, 324.61506, and 324.61525), section 61501 as amended by 1998 PA 115 and sections 61506 and 61525 as added by 1995 PA 57, and by adding sections 61506b and 61513a.

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. 657**

**Yeas—32**

Bennett  
Bouchard

Dingell  
Dunaskiss

McManus  
Miller

Schwarz  
Shugars



Bullard  
Byrum  
Cherry  
Conroy  
DeBeaussaert  
DeGrow

Emmons  
Geake  
Gougeon  
Hart  
Hoffman  
Koivisto

North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Smith, A.  
Smith, V.  
Steil  
Van Regenmorter  
Vaughn  
Young

**Nays—1**

Jaye

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—1**

Gast

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

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

The motion prevailed.

Senator Schuette's statement is as follows:

This bill is very important in a substantive initiative, and the substitute that Senator Bullard was so instrumental in forging is something we should meet with a strong vote of support and approval today. This bill was discharged from my committee with my approval because it is an initiative that cuts the right balance with interest to communities and citizens, environmental concerns, and also the long-term interest to the oil and gas industries. This is an important step forward. We had extensive talks with all of the interested parties. Senator Bullard's leadership in making sure that citizens from Farmington Hills—their interest and future—are protected. I salute him in every way and would urge that the Senate today adopt the Bullard substitute. I also want to thank Representative Quarles and Representative Raczowski for their efforts in related issues as well.

Senator V. Smith moved that Senator Conroy be temporarily excused from the balance of today's session.

The motion prevailed.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Conroy entered the Senate Chamber.

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

**House Bill No. 4849, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14505, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14505, 324.14506, and 324.14510) and by adding sections 14511 and 14512; and to repeal acts and parts of acts.

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

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

**House Bill No. 4849**

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

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. 4849, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14505, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14505, 324.14506, and 324.14510) and by adding sections 14511 and 14512; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senators A. Smith and McManus offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute,

Senator A. Smith offered the following amendment to the substitute:

1. Amend page 10, line 24, after the second "THE" by striking out "GENERAL" and inserting "WASTE REDUCTION FEE".

The amendment to the substitute was adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

Senator V. Smith moved that Senator Conroy be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Conroy entered the Senate Chamber.

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. 658**

**Yeas—34**

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

**Nays—0**

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

Senator A. Smith offered to amend the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14506, and 324.14510) and by adding sections 14511, 14512, and 14513; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Schwarz' statement is as follows:

I would like to announce and congratulate an intern in my office from my favorite university—the University of Michigan. Katie Burnham is leaving today to spend the rest of the summer working for her father's business in Battle Creek. Katie will to the University of Michigan in the fall as a junior. I would like my colleagues to join me in wishing Katie the very best for the rest of the summer and in her college career.

By unanimous consent the Senate returned to the order of

**Messages from the House**

The House of Representatives returned, in accordance with the request of the Senate

**House Bill No. 5398, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 33, 34, 34a, 35, 36, 65, and 65a (MCL 791.233, 791.234, 791.234a, 791.235, 791.236, 791.265, and 791.265a), sections 33, 35, and 65 as amended by 1994 PA 217, section 34 as amended by 1994 PA 345, section 34a as amended by 1998 PA 84, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

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

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

The following bill was announced:

**House Bill No. 5398, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 33, 34, 34a, 35, 36, 65, and 65a (MCL 791.233, 791.234, 791.234a, 791.235, 791.236, 791.265, and 791.265a), sections 33, 35, and 65 as amended by 1994 PA 217, section 34 as amended by 1994 PA 345, section 34a as amended by 1998 PA 84, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13, and by adding section 7a.

Senator DeGrow moved to reconsider the vote by which the bill was passed.

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

Senator DeGrow moved to reconsider the vote by which the substitute offered by Senator Van Regenmorter was adopted.

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

The question being on the adoption of the substitute,

Senator Van Regenmorter offered the following amendments to the substitute:

1. Amend page 4, line 22, after "degree" by striking out the balance of the line through "offense" on line 23.
2. Amend page 5, line 3, after "SENTENCED" by striking out "FOR A VIOLATION OF" and inserting "TO IMPRISONMENT FOR LIFE FOR VIOLATING OR CONSPIRING TO VIOLATE".
3. Amend page 5, line 7, after "SENTENCED" by striking out "FOR A VIOLATION OF" and inserting "TO IMPRISONMENT FOR LIFE FOR VIOLATING OR CONSPIRING TO VIOLATE".
4. Amend page 5, line 11, after "for" by striking out "a" and inserting "ANY OTHER".
5. Amend page 8, line 13, after "SENTENCED" by striking out "FOR A VIOLATION OF" and inserting "TO IMPRISONMENT FOR LIFE FOR VIOLATING OR CONSPIRING TO VIOLATE".
6. Amend page 9, line 1, after "MEANS" by striking out the balance of the line through the first "OF" on line 2 and inserting "VIOLATING OR CONSPIRING TO VIOLATE".

The amendments to the substitute were adopted.

The substitute, as amended, 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. 659**

**Yeas—33**

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

**Nays—1**

Bouchard

**Excused—3**

Berryman

Cisky

Stille

**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**

The House of Representatives returned, in accordance with the request of the Senate

**Senate Bill No. 281, entitled**

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

Senator DeGrow moved to reconsider the vote by which the House substitute, as substituted, was concurred in.

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

Senator DeGrow moved to reconsider the vote by which the substitute offered by Senator Bullard to the House substitute was adopted.

The motion prevailed.

The question being on the adoption of the substitute,

Senator Van Regenmorter offered the following amendments to the substitute:

1. Amend page 3, line 21, after "degree" by striking out the balance of the line through "offense" on line 22.
2. Amend page 4, line 2, after "SENTENCED" by striking out "FOR A VIOLATION OF" and inserting "TO IMPRISONMENT FOR LIFE FOR VIOLATING OR CONSPIRING TO VIOLATE".
3. Amend page 4, line 6, after "SENTENCED" by striking out "FOR A VIOLATION OF" and inserting "TO IMPRISONMENT FOR LIFE FOR VIOLATING OR CONSPIRING TO VIOLATE".
4. Amend page 4, line 10, after "for" by striking out "a" and inserting "ANY OTHER".
5. Amend page 7, line 10, after "SENTENCED" by striking out "FOR A VIOLATION OF" and inserting "TO IMPRISONMENT FOR LIFE FOR VIOLATING OR CONSPIRING TO VIOLATE".
6. Amend page 7, line 24, after "MEANS" by striking out the balance of the line through the first "OF" on line 25 and inserting "VIOLATING OR CONSPIRING TO VIOLATE".

The amendments to the substitute were adopted.

The substitute, as amended, was adopted.

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

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

**Roll Call No. 660****Yeas—25**Bullard  
ByrumGast  
GeakeO'Brien  
PetersSmith, A.  
Smith, V.

Cherry  
Conroy  
DeGrow  
Dingell  
Emmons

Hoffman  
Koivisto  
McManus  
Miller

Posthumus  
Schuette  
Schwarz  
Shugars

Steil  
Van Regenmorter  
Vaughn  
Young

**Nays—9**

Bennett  
Bouchard  
DeBeaussaert

Dunaskiss  
Gougeon

Hart  
Jaye

North  
Rogers

**Excused—3**

Berryman

Cisky

Stille

**Not Voting—0**

In The Chair: Schwarz

**Recess**

Senator DeGrow moved that the Senate recess until 8:00 p.m.  
The motion prevailed, the time being 4:42 p.m.

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

**Senate Bill No. 796, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

(For Second Conference Report, see p. 1538.)

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

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

**Senate Bill No. 797, entitled**

A bill to amend 1996 PA 236, entitled “Regulated occupation support enforcement act,” (MCL 338.3431 to 338.3436) by amending the title and by adding section 4a.

(For Conference Report, see Senate Journal No. 39, p. 770.)

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

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

**Senate Bill No. 798, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2813 and 16177 (MCL 333.2813 and 333.16177), section 16177 as amended by 1993 PA 80, and by adding section 21533.

(For Conference Report, see Senate Journal No. 39, p. 771.)

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

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

**Senate Bill No. 799, entitled**

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same," by amending section 2 (MCL 551.102).

(For Conference Report, see Senate Journal No. 39, p. 773.)

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

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

**Senate Bill No. 803, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 4, 7, 9, 11, 11a, 12, 13, 14, 17, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.609, 552.611, 552.611a, 552.612, 552.613, 552.614, 552.617, 552.619, 552.623, 552.625, 552.626, 552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2, 3, and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 9 and 11a as amended and sections 26, 26a, and 26b as added by 1995 PA 236, sections 11 and 17 as amended by 1996 PA 367, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

(For Conference Report, see Senate Journal No. 39, p. 774.)

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

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

**Recess**

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

The motion prevailed, the time being 8:07 p.m.

8:20 p.m.

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

By unanimous consent the Senate returned to the order of

**Conference Reports**

Senator Bennett submitted the following:

**FIRST CONFERENCE REPORT**

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

**Senate Bill No. 904, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 196.

Recommends:

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

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 196.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:****PART 196 CLEAN MICHIGAN INITIATIVE IMPLEMENTATION**

SEC. 19601. AS USED IN THIS PART:

(A) "BONDS" MEANS THE BONDS AUTHORIZED UNDER THE CLEAN MICHIGAN INITIATIVE ACT.

(B) "CORRECTIVE ACTION" MEANS THAT TERM AS IT IS DEFINED IN PART 213.

(C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(D) "FACILITY" MEANS THAT TERM AS IT IS DEFINED IN PART 201.

(E) "FUND" MEANS THE CLEAN MICHIGAN INITIATIVE BOND FUND CREATED IN SECTION 19606.

(F) "GAMING FACILITY" MEANS A GAMING FACILITY REGULATED UNDER THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO 432.226.

(G) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, VILLAGE, OR TOWNSHIP, OR AN AGENCY OF A COUNTY, CITY, VILLAGE, OR TOWNSHIP; OR AN AUTHORITY OR OTHER PUBLIC BODY CREATED BY OR PURSUANT TO STATE LAW.

(H) "RESPONSE ACTIVITY" MEANS THAT TERM AS IT IS DEFINED IN PART 201.

SEC. 19602. THE LEGISLATURE FINDS AND DECLARES THAT THE ENVIRONMENTAL AND NATURAL RESOURCES PROTECTION PROGRAMS IMPLEMENTED UNDER THIS PART ARE A PUBLIC PURPOSE AND OF PARAMOUNT PUBLIC CONCERN IN THE INTEREST OF THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THIS STATE.

SEC. 19603. (1) THE BONDS SHALL BE ISSUED IN 1 OR MORE SERIES, EACH SERIES TO BE IN A PRINCIPAL AMOUNT, TO BE DATED, TO HAVE THE MATURITIES WHICH MAY BE EITHER SERIAL, TERM, OR BOTH, TO BEAR INTEREST AT A RATE OR RATES, TO BE SUBJECT OR NOT SUBJECT TO PRIOR REDEMPTION, AND IF SUBJECT TO PRIOR REDEMPTION WITH OR WITHOUT CALL PREMIUMS, TO BE PAYABLE AT A PLACE OR PLACES, TO HAVE OR NOT HAVE PROVISIONS FOR REGISTRATION AS TO PRINCIPAL ONLY OR AS TO BOTH PRINCIPAL AND INTEREST, TO BE IN A FORM AND TO BE EXECUTED IN A MANNER AS SHALL BE DETERMINED BY RESOLUTION TO BE ADOPTED BY THE STATE ADMINISTRATIVE BOARD AND SUBJECT TO OR GRANTING THOSE COVENANTS, DIRECTIONS, RESTRICTIONS, OR RIGHTS SPECIFIED BY RESOLUTION TO BE ADOPTED BY THE STATE ADMINISTRATIVE BOARD AS NECESSARY TO ENSURE THE MARKETABILITY, INSURABILITY, OR TAX EXEMPT STATUS OF THE BONDS. THE STATE ADMINISTRATIVE BOARD SHALL ROTATE THE SERVICES OF LEGAL COUNSEL WHEN ISSUING BONDS.

(2) THE STATE ADMINISTRATIVE BOARD MAY REFUND BONDS ISSUED UNDER THIS PART BY THE ISSUANCE OF NEW BONDS, WHETHER OR NOT THE BONDS TO BE REFUNDED HAVE MATURED OR ARE SUBJECT TO PRIOR REDEMPTION. THE STATE ADMINISTRATIVE BOARD MAY ISSUE BONDS PARTLY TO REFUND BONDS ISSUED UNDER THIS PART AND PARTLY FOR ANY OTHER PURPOSE PROVIDED BY THIS PART. THE PRINCIPAL AMOUNT OF ANY REFUNDING BONDS ISSUED PURSUANT TO THIS SECTION SHALL NOT BE COUNTED AGAINST THE LIMITATION ON PRINCIPAL AMOUNT PROVIDED IN THE CLEAN MICHIGAN INITIATIVE ACT. FURTHER, REFUNDING BONDS ISSUED PURSUANT TO THIS SECTION ARE NOT SUBJECT TO THE RESTRICTIONS OF SECTION 19607.

(3) THE STATE ADMINISTRATIVE BOARD MAY APPROVE INSURANCE CONTRACTS, AGREEMENTS FOR LINES OF CREDIT, LETTERS OF CREDIT, COMMITMENTS TO PURCHASE BONDS, AND ANY OTHER TRANSACTION TO PROVIDE SECURITY TO ASSURE TIMELY PAYMENT OR PURCHASE OF ANY BOND ISSUED UNDER THIS PART.

(4) THE STATE ADMINISTRATIVE BOARD MAY AUTHORIZE THE STATE TREASURER, BUT ONLY WITHIN LIMITATIONS CONTAINED IN THE AUTHORIZING RESOLUTION OF THE BOARD, TO DO 1 OR MORE OF THE FOLLOWING:

(A) SELL AND DELIVER AND RECEIVE PAYMENT FOR THE BONDS.

(B) DELIVER BONDS PARTLY TO REFUND BONDS AND PARTLY FOR OTHER AUTHORIZED PURPOSES.

(C) SELECT WHICH OUTSTANDING BONDS WILL BE REFUNDED, IF ANY, BY THE NEW ISSUE OF BONDS.

(D) BUY ISSUED BONDS AT NOT MORE THAN THEIR FACE VALUE.

(E) APPROVE INTEREST RATES OR METHODS FOR FIXING INTEREST RATES, PRICES, DISCOUNTS, MATURITIES, PRINCIPAL AMOUNTS, PURCHASE PRICES, PURCHASE DATES, REMARKETING DATES, DENOMINATIONS, DATES OF ISSUANCE, INTEREST PAYMENT DATES, REDEMPTION RIGHTS AT THE OPTION OF THE STATE OR THE OWNER, THE PLACE AND TIME OF DELIVERY AND PAYMENT, AND OTHER MATTERS AND PROCEDURES NECESSARY TO COMPLETE THE AUTHORIZED TRANSACTIONS.

(F) EXECUTE, DELIVER, AND PAY THE COST OF REMARKETING AGREEMENTS, INSURANCE CONTRACTS, AGREEMENTS FOR LINES OF CREDIT, LETTERS OF CREDIT, COMMITMENTS TO PURCHASE BONDS OR NOTES, AND ANY OTHER TRANSACTION TO PROVIDE SECURITY TO ASSURE TIMELY PAYMENTS OR PURCHASE OF ANY BOND ISSUED UNDER THIS PART.

(5) THE BONDS SHALL BE APPROVED BY THE DEPARTMENT OF TREASURY BEFORE THEIR ISSUANCE BUT ARE NOT OTHERWISE SUBJECT TO THE MUNICIPAL FINANCE ACT, 1943 PA 202, MCL 131.1 TO 139.3.

(6) THE BONDS OR ANY SERIES OF THE BONDS SHALL BE SOLD AT SUCH PRICE AND AT A PUBLICLY ADVERTISED SALE AS DETERMINED BY THE STATE ADMINISTRATIVE BOARD.

(7) THE BONDS SHALL BE SOLD IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE STATE ADMINISTRATIVE BOARD.

SEC. 19604. THE BONDS SHALL BE FULLY NEGOTIABLE UNDER THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101 TO 440.11102. THE BONDS AND THE INTEREST ON THE BONDS SHALL BE EXEMPT FROM ALL TAXATION BY THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE.

SEC. 19605. THE BONDS ARE SECURITIES IN WHICH BANKS, SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES, CREDIT UNIONS, AND OTHER PERSONS CARRYING ON A BANKING BUSINESS;



ALL INSURANCE COMPANIES, INSURANCE ASSOCIATIONS, AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS; AND ALL ADMINISTRATORS, EXECUTORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY PROPERLY AND LEGALLY INVEST FUNDS, INCLUDING CAPITAL, BELONGING TO THEM OR WITHIN THEIR CONTROL.

SEC. 19606. (1) THE CLEAN MICHIGAN INITIATIVE BOND FUND IS CREATED IN THE STATE TREASURY.

(2) THE FUND SHALL CONSIST OF ALL OF THE FOLLOWING:

(A) THE PROCEEDS OF SALES OF THE BONDS AND ANY PREMIUM AND ACCRUED INTEREST RECEIVED ON THE DELIVERY OF THE BONDS.

(B) ANY INTEREST OR EARNINGS GENERATED BY THE PROCEEDS DESCRIBED IN SUBDIVISION (A).

(C) ANY REPAYMENT OF PRINCIPAL AND INTEREST MADE UNDER A LOAN PROGRAM AUTHORIZED IN THIS PART.

(D) ANY FEDERAL OR OTHER FUNDS RECEIVED.

(3) THE DEPARTMENT OF TREASURY MAY ESTABLISH RESTRICTED SUBACCOUNTS WITHIN THE FUND AS NECESSARY TO ADMINISTER THE FUND.

SEC. 19607. (1) THE TOTAL PROCEEDS OF ALL BONDS SHALL BE DEPOSITED INTO THE FUND AND ALLOCATED AS FOLLOWS:

(A) NOT MORE THAN \$335,000,000.00 SHALL BE USED FOR RESPONSE ACTIVITIES AT FACILITIES.

(B) NOT MORE THAN \$50,000,000.00 SHALL BE USED FOR WATERFRONT IMPROVEMENTS.

(C) NOT MORE THAN \$25,000,000.00 SHALL BE USED FOR REMEDIATION OF CONTAMINATED LAKE AND RIVER SEDIMENTS.

(D) NOT MORE THAN \$50,000,000.00 SHALL BE USED FOR NONPOINT SOURCE POLLUTION PREVENTION AND CONTROL PROJECTS OR WELLHEAD PROTECTION PROJECTS.

(E) NOT MORE THAN \$90,000,000.00 SHALL BE USED FOR WATER QUALITY MONITORING AND WATER RESOURCES PROTECTION AND POLLUTION CONTROL ACTIVITIES.

(F) NOT MORE THAN \$20,000,000.00 SHALL BE USED FOR POLLUTION PREVENTION PROGRAMS.

(G) NOT MORE THAN \$5,000,000.00 SHALL BE USED TO ABATE LEAD HAZARDS.

(H) NOT MORE THAN \$50,000,000.00 SHALL BE USED FOR STATE PARK INFRASTRUCTURE IMPROVEMENTS.

(I) NOT MORE THAN \$50,000,000.00 SHALL BE USED FOR LOCAL RECREATION PROJECTS.

(2) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. EXCEPT AS MAY BE REQUIRED TO MAINTAIN THE EXCLUSION FROM GROSS INCOME OF THE INTEREST PAID ON THE BONDS OR TO COMPLY OTHERWISE WITH STATE OR FEDERAL LAW, INTEREST AND EARNINGS FROM INVESTMENT OF THE PROCEEDS OF ANY BOND ISSUE SHALL BE ALLOCATED IN THE SAME PROPORTION AS EARNED ON THE INVESTMENT OF THE PROCEEDS OF THE BOND ISSUE.

(3) EXCEPT AS MAY BE REQUIRED TO MAINTAIN THE EXCLUSION FROM GROSS INCOME OF THE INTEREST PAID ON THE BONDS OR TO COMPLY OTHERWISE WITH STATE OR FEDERAL LAW, ALL REPAYMENTS OF PRINCIPAL AND INTEREST EARNED UNDER A LOAN PROGRAM AUTHORIZED BY THIS PART SHALL BE CREDITED TO THE APPROPRIATE RESTRICTED SUBACCOUNT OF THE FUND AND USED FOR THE PURPOSES AUTHORIZED FOR THAT SUBACCOUNT OR TO PAY DEBT SERVICE ON ANY OBLIGATION ISSUED WHICH PLEDGES THE LOAN REPAYMENTS AND THE PROCEEDS OF WHICH ARE DEPOSITED IN THAT SUBACCOUNT.

(4) THE BOND PROCEEDS SHALL BE EXPENDED IN AN APPROPRIATE MANNER THAT MAINTAINS THE TAX EXEMPT STATUS OF THE BONDS.

(5) THE UNENCUMBERED BALANCE IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(6) THE DEPARTMENT SHALL PROVIDE AN ANNUAL ACCOUNTING OF BOND PROCEEDS SPENDING ON A CASH BASIS TO THE DEPARTMENT OF TREASURY IN ORDER FOR THE STATE TO COMPLY WITH REQUIREMENTS SET FORTH FOR ISSUING TAX EXEMPT BONDS, INCLUDING ARBITRAGE REBATE CALCULATIONS. THIS ACCOUNTING SHALL BE SUBMITTED TO THE GOVERNOR, THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT, AND THE APPROPRIATIONS COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.

SEC. 19608. (1) MONEY IN THE FUND THAT IS ALLOCATED UNDER SECTION 19607 SHALL BE USED FOR THE FOLLOWING PURPOSES:

(A) MONEY ALLOCATED UNDER SECTION 19607(1)(A) SHALL BE USED BY THE DEPARTMENT TO FUND ALL OF THE FOLLOWING:

(i) CORRECTIVE ACTIONS UNDERTAKEN BY THE DEPARTMENT TO ADDRESS RELEASES FROM LEAKING UNDERGROUND STORAGE TANKS PURSUANT TO PART 213.

(ii) RESPONSE ACTIVITIES UNDERTAKEN BY THE DEPARTMENT AT FACILITIES PURSUANT TO PART 201 TO ADDRESS PUBLIC HEALTH AND ENVIRONMENTAL PROBLEMS OR TO PROMOTE REDEVELOPMENT.

(iii) ASSESSMENT ACTIVITIES UNDERTAKEN BY THE DEPARTMENT TO DETERMINE WHETHER A PROPERTY IS A FACILITY.

(iv) NOT MORE THAN \$20,000,000.00 SHALL BE USED TO PROVIDE GRANTS AND LOANS TO LOCAL UNITS OF GOVERNMENT AND BROWNFIELD REDEVELOPMENT AUTHORITIES CREATED UNDER THE BROWNFIELD REDEVELOPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672, FOR RESPONSE ACTIVITIES AT KNOWN OR SUSPECTED FACILITIES WITH REDEVELOPMENT POTENTIAL.

(v) NOT MORE THAN \$12,000,000.00 SHALL BE USED FOR GRANTS PURSUANT TO THE MUNICIPAL LANDFILL GRANT PROGRAM UNDER SECTION 20109A.

(B) MONEY ALLOCATED UNDER SECTION 19607(1)(B) SHALL BE USED FOR WATERFRONT REDEVELOPMENT GRANTS PURSUANT TO PART 795.

(C) MONEY ALLOCATED UNDER SECTION 19607(1)(C) SHALL BE USED FOR RESPONSE ACTIVITIES FOR THE REMEDIATION OF CONTAMINATED LAKE AND RIVER SEDIMENTS PURSUANT TO PART 201.

(D) MONEY ALLOCATED UNDER SECTION 19607(1)(D) SHALL BE USED FOR NONPOINT SOURCE POLLUTION PREVENTION AND CONTROL GRANTS OR WELLHEAD PROTECTION GRANTS PURSUANT TO PART 88.

(E) MONEY ALLOCATED UNDER SECTION 19607(1)(E) SHALL BE DEPOSITED INTO THE CLEAN WATER FUND CREATED IN PART 88.

(F) MONEY ALLOCATED UNDER SECTION 19607(1)(F) SHALL BE EXPENDED AS FOLLOWS:

(i) \$10,000,000.00 SHALL BE DEPOSITED INTO THE RETIRED ENGINEERS TECHNICAL ASSISTANCE PROGRAM FUND CREATED IN SECTION 14512.

(ii) \$5,000,000.00 SHALL BE DEPOSITED INTO THE SMALL BUSINESS POLLUTION PREVENTION ASSISTANCE REVOLVING LOAN FUND CREATED IN SECTION 14513.

(iii) \$5,000,000.00 SHALL BE USED BY THE DEPARTMENT TO IMPLEMENT POLLUTION PREVENTION ACTIVITIES OTHER THAN THOSE FUNDED UNDER SUBPARAGRAPHS (i) AND (ii).

(G) MONEY THAT IS ALLOCATED UNDER SECTION 19607(1)(G) SHALL BE USED BY THE DEPARTMENT OF COMMUNITY HEALTH FOR REMEDIATION AND PHYSICAL IMPROVEMENTS TO STRUCTURES TO ABATE OR MINIMIZE EXPOSURE OF PERSONS TO LEAD HAZARDS.

(H) MONEY ALLOCATED UNDER SECTION 19607(1)(H) SHALL BE USED FOR INFRASTRUCTURE IMPROVEMENTS AT MICHIGAN STATE PARKS AS DETERMINED BY THE DEPARTMENT OF NATURAL RESOURCES. THE INSTALLATION OR UPGRADE OF DRINKING WATER SYSTEMS OR REST ROOM FACILITIES SHALL BE THE FIRST PRIORITY.

(I) MONEY ALLOCATED UNDER SECTION 19607(1)(I) SHALL BE USED TO PROVIDE GRANTS TO LOCAL UNITS OF GOVERNMENT FOR LOCAL RECREATION PROJECTS PURSUANT TO PART 716.

(2) OF THE MONEY ALLOCATED UNDER SECTION 19607(1)(A), NOT LESS THAN \$40,000,000.00 OR MORE THAN \$60,000,000.00 SHALL BE USED FOR FACILITIES THAT POSE AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR TO THE ENVIRONMENT. FOR PURPOSES OF THIS SUBSECTION, FACILITIES THAT POSE AN IMMINENT OR SUBSTANTIAL ENDANGERMENT SHALL INCLUDE, BUT ARE NOT LIMITED TO, THOSE WHERE PUBLIC ACCESS POSES HAZARDS BECAUSE OF POTENTIAL EXPOSURE TO CHEMICALS OR SAFETY RISKS AND WHERE DRINKING WATER SUPPLIES ARE THREATENED BY CONTAMINATION.

(3) BEFORE EXPENDING ANY FUNDS ALLOCATED UNDER SUBSECTION (1)(C) AT A SITE THAT IS AN AREA OF CONCERN AS DESIGNATED BY THE PARTIES TO THE GREAT LAKES WATER QUALITY AGREEMENT, THE DEPARTMENT SHALL NOTIFY THE PUBLIC ADVISORY COUNCIL ESTABLISHED TO OVERSEE THAT AREA OF CONCERN REGARDING THE DEVELOPMENT, IMPLEMENTATION, AND EVALUATION OF RESPONSE ACTIVITIES TO BE CONDUCTED WITH MONEY IN THE FUND AT THAT AREA OF CONCERN.

(4) MONEY IN THE FUND SHALL NOT BE USED TO DEVELOP A MUNICIPAL OR COMMERCIAL MARINA.

(5) MONEY PROVIDED IN THE FUND MAY BE USED BY THE DEPARTMENT OF TREASURY TO PAY FOR THE COST OF ISSUING BONDS AND BY THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES TO PAY DEPARTMENT COSTS AS PROVIDED IN THIS SUBSECTION. NOT MORE THAN 3% OF THE TOTAL AMOUNT SPECIFIED IN SECTION 19607(1)(A) TO (F) SHALL BE AVAILABLE FOR APPROPRIATION TO THE DEPARTMENT TO PAY ITS COSTS DIRECTLY ASSOCIATED WITH THE COMPLETION OF A PROJECT AUTHORIZED BY SECTION 19607(1)(A) TO (F). NOT MORE THAN 3% OF THE TOTAL AMOUNT SPECIFIED IN SECTION 19607(1)(H) AND (I) SHALL BE AVAILABLE FOR APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES TO PAY ITS COSTS DIRECTLY ASSOCIATED WITH THE COMPLETION OF A PROJECT AUTHORIZED BY SECTION 19607(1)(H) AND (I). IT IS THE INTENT OF THE LEGISLATURE THAT GENERAL FUND APPROPRIATIONS TO THE DEPARTMENT

AND TO THE DEPARTMENT OF NATURAL RESOURCES SHALL NOT BE REDUCED AS A RESULT OF COSTS FUNDED PURSUANT TO THIS SUBSECTION.

(6) A GRANT SHALL NOT BE PROVIDED UNDER THIS PART FOR A PROJECT THAT IS LOCATED AT ANY OF THE FOLLOWING:

(A) LAND SITED FOR USE AS A GAMING FACILITY OR AS A STADIUM OR ARENA FOR USE BY A PROFESSIONAL SPORTS TEAM.

(B) LAND OR OTHER FACILITIES OWNED OR OPERATED BY A GAMING FACILITY OR BY A STADIUM OR ARENA FOR USE BY A PROFESSIONAL SPORTS TEAM.

(C) LAND WITHIN A PROJECT AREA DESCRIBED IN A PROJECT PLAN PURSUANT TO THE ECONOMIC DEVELOPMENT CORPORATIONS ACT, 1974 PA 338, MCL 125.1601 TO 125.1636, FOR A GAMING FACILITY.

(7) THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE DEPARTMENT OF COMMUNITY HEALTH SHALL EACH SUBMIT ANNUALLY A LIST OF ALL PROJECTS THAT WILL BE UNDERTAKEN BY THAT DEPARTMENT THAT ARE RECOMMENDED TO BE FUNDED UNDER THIS PART. THE LIST SHALL BE SUBMITTED TO THE GOVERNOR, THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT, AND THE APPROPRIATIONS COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE SENATE. THE LIST SHALL BE SUBMITTED TO THE LEGISLATIVE COMMITTEES NOT LATER THAN FEBRUARY 15 OF EACH YEAR. THIS LIST SHALL ALSO BE SUBMITTED BEFORE ANY REQUEST FOR SUPPLEMENTAL APPROPRIATION OF BOND FUNDS. FOR EACH ELIGIBLE PROJECT, THE LIST SHALL INCLUDE THE NATURE OF THE ELIGIBLE PROJECT; THE COUNTY IN WHICH THE ELIGIBLE PROJECT IS LOCATED; AN ESTIMATE OF THE TOTAL COST OF THE ELIGIBLE PROJECT; AND OTHER INFORMATION CONSIDERED PERTINENT BY THE ADMINISTERING STATE DEPARTMENT. A PROJECT THAT IS FUNDED BY A GRANT OR LOAN WITH MONEY FROM THE FUND DOES NOT NEED TO BE INCLUDED ON THE LIST SUBMITTED UNDER THIS SUBSECTION. HOWEVER, MONEY IN THE FUND THAT IS APPROPRIATED FOR GRANTS AND LOANS SHALL NOT BE ENCUMBERED OR EXPENDED UNTIL THE ADMINISTERING STATE DEPARTMENT HAS REPORTED THOSE PROJECTS THAT HAVE BEEN APPROVED FOR A GRANT OR A LOAN TO THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT AND TO THE APPROPRIATIONS SUBCOMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE SENATE ON NATURAL RESOURCES AND ENVIRONMENTAL QUALITY. BEFORE SUBMITTING THE FIRST CYCLE OF RECOMMENDED PROJECTS UNDER SECTION 19608(1)(A) PURSUANT TO THIS SUBSECTION, THE DEPARTMENT SHALL PUBLISH AND DISSEMINATE THE CRITERIA IT WILL USE IN EVALUATING AND RECOMMENDING THESE PROJECTS FOR FUNDING.

(8) THE LEGISLATURE SHALL APPROPRIATE PROSPECTIVE OR ACTUAL BOND PROCEEDS FOR PROJECTS PROPOSED TO BE FUNDED. APPROPRIATIONS SHALL BE CARRIED OVER TO SUCCEEDING FISCAL YEARS UNTIL THE PROJECT FOR WHICH THE FUNDS ARE APPROPRIATED IS COMPLETED.

(9) NOT LATER THAN DECEMBER 31 OF EACH YEAR, THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE DEPARTMENT OF COMMUNITY HEALTH SHALL EACH SUBMIT A LIST OF THE PROJECTS FINANCED UNDER THIS PART BY THAT DEPARTMENT TO THE GOVERNOR, THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT PRIMARILY ADDRESS ISSUES PERTAINING TO THE PROTECTION OF NATURAL RESOURCES AND THE ENVIRONMENT, AND THE SUBCOMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON APPROPRIATIONS ON NATURAL RESOURCES AND ENVIRONMENTAL QUALITY. EACH LIST SHALL INCLUDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE RECIPIENT OR PARTICIPANT, IF APPROPRIATE; THE NAME AND LOCATION OF THE PROJECT; THE NATURE OF THE PROJECT; THE AMOUNT OF MONEY ALLOCATED TO THE PROJECT; THE COUNTY IN WHICH THE PROJECT IS LOCATED; A BRIEF SUMMARY OF WHAT HAS BEEN ACCOMPLISHED BY THE PROJECT; AND OTHER INFORMATION CONSIDERED PERTINENT BY THE ADMINISTERING STATE DEPARTMENT.

SEC. 19609. AN APPLICATION FOR A GRANT OR A LOAN FROM THE FUND SHALL BE MADE ON A FORM OR IN A FORMAT PRESCRIBED BY THE ADMINISTERING STATE DEPARTMENT. THE ADMINISTERING STATE DEPARTMENT MAY REQUIRE THE APPLICANT TO PROVIDE ANY INFORMATION REASONABLY NECESSARY TO ALLOW THE ADMINISTERING STATE DEPARTMENT TO MAKE A DETERMINATION REQUIRED BY THIS PART.

SEC. 19610. THE ADMINISTERING STATE DEPARTMENT SHALL NOT MAKE A GRANT OR A LOAN WITH MONEY FROM THE FUND UNLESS ALL OF THE FOLLOWING CONDITIONS ARE MET:

(A) THE APPLICANT DEMONSTRATES THAT THE PROPOSED PROJECT IS IN COMPLIANCE WITH ALL APPLICABLE STATE LAWS AND RULES OR WILL RESULT IN COMPLIANCE WITH STATE LAWS AND RULES.

(B) THE APPLICANT DEMONSTRATES TO THE ADMINISTERING STATE DEPARTMENT THE CAPABILITY TO CARRY OUT THE PROPOSED PROJECT.

(C) THE APPLICANT DEMONSTRATES TO THE ADMINISTERING STATE DEPARTMENT THAT THERE IS AN IDENTIFIABLE SOURCE OF FUNDS FOR THE FUTURE MAINTENANCE AND OPERATION OF THE PROPOSED PROJECT, IF APPROPRIATE.

(D) WITHIN THE LAST 24 MONTHS, THE APPLICANT HAS SUCCESSFULLY UNDERGONE AN AUDIT CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING STANDARDS.

(E) WITHIN THE LAST 24 MONTHS, THE APPLICANT HAS NOT HAD A GRANT FROM THE ADMINISTERING STATE DEPARTMENT REVOKED OR TERMINATED OR HAD THE ADMINISTERING STATE DEPARTMENT DETERMINE THAT THE APPLICANT DEMONSTRATED AN INABILITY TO MANAGE A GRANT.

SEC. 19611. PRIOR TO MAKING A GRANT OR LOAN WITH MONEY FROM THE FUND, THE ADMINISTERING STATE DEPARTMENT SHALL CONSIDER THE EXTENT TO WHICH THE MAKING OF THE GRANT OR LOAN CONTRIBUTES TO THE ACHIEVEMENT OF A BALANCED DISTRIBUTION OF GRANTS AND LOANS THROUGHOUT THE STATE.

SEC. 19612. (1) A RECIPIENT OF A GRANT OR A LOAN MADE WITH MONEY FROM THE FUND SHALL DO BOTH OF THE FOLLOWING:

(A) KEEP AN ACCOUNTING OF THE MONEY SPENT ON THE PROJECT OR FACILITY IN A GENERALLY ACCEPTED MANNER. THE ACCOUNTING SHALL BE SUBJECT TO A POSTAUDIT.

(B) OBTAIN AUTHORIZATION FROM THE ADMINISTERING STATE DEPARTMENT BEFORE IMPLEMENTING A CHANGE THAT SIGNIFICANTLY ALTERS THE PROPOSED PROJECT.

(2) THE ADMINISTERING STATE DEPARTMENT MAY REVOKE A GRANT OR A LOAN MADE WITH MONEY FROM THE FUND OR WITHHOLD PAYMENT IF THE RECIPIENT FAILS TO COMPLY WITH THE TERMS AND CONDITIONS OF THE GRANT OR LOAN AGREEMENT OR WITH THE REQUIREMENTS OF THIS PART OR THE RULES PROMULGATED UNDER THIS PART, OR WITH OTHER APPLICABLE LAW OR RULES. IF A GRANT OR LOAN IS REVOKED, THE ADMINISTERING STATE DEPARTMENT MAY RECOVER ALL FUNDS AWARDED.

(3) THE ADMINISTERING STATE DEPARTMENT MAY WITHHOLD A GRANT OR A LOAN UNTIL THE ADMINISTERING STATE DEPARTMENT DETERMINES THAT THE RECIPIENT IS ABLE TO PROCEED WITH THE PROPOSED PROJECT.

(4) TO ASSURE TIMELY COMPLETION OF A PROJECT, THE ADMINISTERING STATE DEPARTMENT MAY WITHHOLD 10% OF THE GRANT OR LOAN AMOUNT UNTIL THE PROJECT IS COMPLETE.

(5) IF AN APPROVED APPLICANT FAILS TO SIGN A GRANT OR LOAN AGREEMENT WITHIN 90 DAYS AFTER RECEIPT OF A WRITTEN GRANT OR LOAN OFFER BY THE ADMINISTERING STATE DEPARTMENT, THE ADMINISTERING STATE DEPARTMENT MAY CANCEL THE GRANT OR LOAN OFFER. THE APPLICANT MAY NOT APPEAL OR CONTEST A CANCELLATION PURSUANT TO THIS SUBSECTION.

(6) THE ADMINISTERING STATE DEPARTMENT MAY TERMINATE A GRANT OR LOAN AGREEMENT AND REQUIRE IMMEDIATE REPAYMENT OF THE GRANT OR LOAN IF THE RECIPIENT USES GRANT OR LOAN FUNDS FOR ANY PURPOSE OTHER THAN FOR THE APPROVED ACTIVITIES SPECIFIED IN THE GRANT OR LOAN AGREEMENT. THE ADMINISTERING STATE DEPARTMENT SHALL PROVIDE THE RECIPIENT WRITTEN NOTICE OF THE TERMINATION 30 DAYS PRIOR TO THE TERMINATION.

(7) A LOAN MADE WITH MONEY IN THE FUND SHALL HAVE THE FOLLOWING TERMS:

(A) A LOAN INTEREST RATE OF NOT MORE THAN 50% OF THE PRIME RATE AS DETERMINED BY THE ADMINISTERING STATE DEPARTMENT AS OF THE DATE OF APPROVAL OF THE LOAN.

(B) LOAN RECIPIENTS SHALL REPAY LOANS IN EQUAL ANNUAL INSTALLMENTS OF PRINCIPAL AND INTEREST BEGINNING NOT LATER THAN 5 YEARS AFTER EXECUTION OF A LOAN AGREEMENT AND CONCLUDING NOT LATER THAN 15 YEARS AFTER EXECUTION OF A LOAN AGREEMENT.

(C) A LOAN RECIPIENT SHALL ENTER INTO A LOAN AGREEMENT WITH THE ADMINISTERING STATE DEPARTMENT. AT A MINIMUM, THE LOAN AGREEMENT SHALL CONTAIN A COMMITMENT THAT THE LOAN IS SECURED BY A FULL FAITH AND CREDIT PLEDGE OF THE APPLICANT, OR IF THE APPLICANT IS AN AUTHORITY ESTABLISHED PURSUANT TO THE BROWNFIELD REDEVELOPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672, THE COMMITMENT SHALL BE FROM THE MUNICIPALITY THAT CREATED THE AUTHORITY PURSUANT TO THAT ACT.

(D) UPON DEFAULT OF A LOAN, AS DETERMINED BY THE ADMINISTERING STATE DEPARTMENT, OR UPON THE REQUEST OF THE LOAN RECIPIENT AS A METHOD TO REPAY THE LOAN, THE DEPARTMENT OF TREASURY SHALL WITHHOLD STATE PAYMENTS FROM THE LOAN RECIPIENT IN AMOUNTS CONSISTENT WITH THE REPAYMENT SCHEDULE IN THE LOAN AGREEMENT UNTIL THE LOAN IS REPAYED. THE DEPARTMENT OF TREASURY SHALL DEPOSIT THESE WITHHELD FUNDS INTO THE FUND UNTIL THE LOAN IS REPAYED.

(8) LOAN PAYMENTS AND INTEREST SHALL BE DEPOSITED IN THE FUND.

(9) UPON DEFAULT OF A LOAN, AS DETERMINED BY THE ADMINISTERING STATE DEPARTMENT, OR UPON THE REQUEST OF THE LOAN RECIPIENT AS A METHOD TO REPAY THE LOAN, THE DEPARTMENT

OF TREASURY SHALL WITHHOLD FROM THE LOAN RECIPIENT STATE PAYMENTS IN AMOUNTS CONSISTENT WITH THE REPAYMENT SCHEDULE IN THE LOAN AGREEMENT UNTIL THE LOAN IS REPAYED. THE DEPARTMENT OF TREASURY SHALL DEPOSIT THESE WITHHELD FUNDS INTO THE FUND UNTIL THE LOAN IS REPAYED.

SEC. 19613. OF THE FUNDS TO BE USED TO PROVIDE GRANTS AND LOANS UNDER SECTION 19608(1)(A)(iv), ALL OF THE FOLLOWING CONDITIONS APPLY:

(A) A RECIPIENT OF A GRANT SHALL RECEIVE NOT MORE THAN 1 GRANT PER YEAR NOT TO EXCEED \$1,000,000.00 PER GRANT.

(B) A RECIPIENT OF A LOAN SHALL RECEIVE A MAXIMUM OF 1 LOAN PER YEAR NOT TO EXCEED \$1,000,000.00 PER LOAN.

(C) A GRANT SHALL BE AWARDED ONLY IF THE DEPARTMENT DETERMINES THAT BOTH OF THE FOLLOWING APPLY:

(i) THE PROPERTY IS A FACILITY AS DEFINED IN SECTION 20101.

(ii) THE PROPOSED DEVELOPMENT OF THE PROPERTY WILL RESULT IN MEASURABLE ECONOMIC BENEFIT IN EXCESS OF THE GRANT AMOUNT REQUESTED BY THE APPLICANT.

(D) A LOAN SHALL BE AWARDED ONLY IF THE DEPARTMENT DETERMINES THAT BOTH OF THE FOLLOWING APPLY:

(i) THE PROPERTY IS A FACILITY AS DEFINED IN SECTION 20101 OR IS SUSPECTED OF BEING A FACILITY.

(ii) THE PROPERTY HAS ECONOMIC DEVELOPMENT POTENTIAL BASED ON THE APPLICANT'S PLANNED USE OF THE PROPERTY.

SEC. 19614. THE DEPARTMENT AND THE DEPARTMENT OF THE ATTORNEY GENERAL MAY RECOVER COSTS EXPENDED PURSUANT TO SECTION 19608(1)(A)(i) TO (iv) FOR CORRECTIVE ACTIONS, RESPONSE ACTIVITIES, SITE ASSESSMENTS, AND ALL OTHER RECOVERABLE COSTS UNDER PART 201 FROM PERSONS WHO ARE LIABLE UNDER PART 201. ACTIONS TO RECOVER COSTS SHALL BE UNDERTAKEN IN THE MANNER PROVIDED IN PART 201.

SEC. 19615. EVERY 2 YEARS THAT STATE PROGRAMS FUNDED WITH MONEY FROM THE FUND CONTINUE TO BE ADMINISTERED, THE AUDITOR GENERAL SHALL CONDUCT A PERFORMANCE AUDIT OF THESE PROGRAMS. UPON COMPLETION OF A PERFORMANCE AUDIT UNDER THIS SECTION, THE AUDITOR GENERAL SHALL SUBMIT A COPY OF THE PERFORMANCE AUDIT TO THE AUDITED DEPARTMENT AND TO THE LEGISLATURE.

SEC. 19616. THE DEPARTMENT MAY PROMULGATE RULES AS ARE NECESSARY TO IMPLEMENT THIS PART.

Enacting section 1. This amendatory act takes effect December 1, 1998.

Enacting section 2. This amendatory act does not take effect unless the question provided for in the clean Michigan initiative act is approved by a majority of the registered electors voting on the question at the November 1998 general election.

Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 902.

(b) House Bill No. 5620.

(c) House Bill No. 5622.

(d) House Bill No. 5719.

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 196.

Loren Bennett  
George A. McManus, Jr.  
Kenneth DeBeaussaert  
Conferees for the Senate

Tom Alley  
Kwame Kilpatrick  
James M. Midaugh  
Conferees for the House

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

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

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

**Roll Call No. 661****Yeas—31**

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

**Nays—3**

Bouchard	Dingell	Jaye
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**Excused—3**

Berryman	Cisky	Geake
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**Not Voting—0**

In The Chair: Schwarz

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

**Protest**

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the conference report on Senate Bill No. 904.

Senator Jaye's statement is as follows:

I voted against this \$675 million Clean Michigan initiative bond because the advocates and the recipients of this industrial pollution clean up bond are the very people who created the mess in the first place—big corporate polluters and their million dollar lobbyists. The largest portion in this bond, \$360 million is earmarked to clean up and redevelop polluted industrial sites, most of which are in Detroit. These sites are contaminated by big corporations who have pulled up stakes and moved their factories and offices out of town, instead of cleaning up the polluted areas they created. Only 14 percent is for parks. Why should the hardworking taxpayers of Michigan, the small businesses, and non-polluters be forced to pay for the cleanup of sites contaminated by big corporations? These corporate giants should be forced to clean up their own toxic sites. The state only cleaned 105 of the 457 contaminated sites it was supposed to clean up with the \$400 million from a 1998 bond. The Department of Environmental Quality has identified 11 thousand contaminated sites in Michigan.

Earlier in the Senate, I voted for amendments to use as bond money, far more of this bond money for sewage treatment projects to clean up Lake St. Clair, which is a source of drinking water for 3.2 million suburban and Detroit residents where we fish, boat, and children swim. But the Chamber of Commerce and its corporate executive elites aggressively fought and defeated amendments to clean up Lake St. Clair. Corporations want to keep their money for clean up of their polluted industrial land. I maintain that cleaning up the water that our children drink and play in is more important than helping corporations clean up their polluted sites.

State taxpayers already subsidize big corporations more than \$15.4 billion per year in tax breaks, plus millions more in training grants, subsidized loans, and direct grants. More than \$56 million per year in our gas tax is diverted from roads to clean up big company oil spills. With record billion dollars profits, these greedy corporations are the ones most able to afford, yet least likely to contribute to contaminated site clean up efforts.

The \$675 million industrial clean up bond will cost taxpayers an additional \$55 million per year in principle and interest charges, for a total cost of approximately \$1.37 billion. Taxpayers should at least be able to receive clean water for drinking, fishing, and other outdoor activities in return for their money. Most importantly, it is not fiscally prudent or responsible for us to be taking out a loan, and that's what a bond is. It is shifting the cost to future generations, to our children. Shifting the cost to 20 years, maybe 25 years from now, our children are going to be paying for an obligation and for clean up projects that should be our responsibility out of our current budget. You shouldn't take a loan to pay for a home improvement that you can afford out of your checking account. You shouldn't take out a loan to pay for your monthly expenses, like a food or a phone bill, but that is what we are doing today. We are increasing the indebtedness of the state of Michigan, and we are shifting our responsibilities because of our refusal to end these subsidies of corporations, and our taxes spend mentality on corporations and big government. This is why I voted against the Clean Michigan initiative bond, which I believe should be appropriately titled the industrial pollution clean up bond, and I hope in the future we would decide to show the discipline and dedication to pay as we go instead of forcing our children to pay for the mistakes of this years corporations and the reluctance and the refusal of this legislature to re-prioritize our spending budget priorities.

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

The motion prevailed.

Senator DeBeaussaert's statement is as follows:

I rise to urge support of the conference committee report, which I signed. And I want to thank the chair of the committee and the sponsor of the bill for the cooperation that was demonstrated throughout the process of this bill. I think that for those of us who were concerned as the bill moved through the process, there needed to be a greater emphasis on water quality issues and water protection issues. This is now a package before us that we can strongly embrace and support. I want to highlight some of the comments that the previous speaker mentioned as it relates to the contents of this package, especially the changes from when this bill left the Senate. The \$90 million for water quality monitoring, water resource protection, and pollution control activities is a significant improvement in the bill, as is the new \$20 million for pollution prevention and the \$5 million dollars for lead abatement; with the \$90 million added to the \$75 million originally in the bill. There is \$165 million in this package for clean water activities, and I think that is an exciting proposal to take to the people of the state of Michigan, presenting new opportunities for the state in partnership with local governments to improve and protect, in my case Lake St. Clair, but all of the waters of the state of Michigan. And I would urge your support.

Senators DeBeaussaert, Rogers, Steil, Schuette, Bullard, Conroy, Miller, Young, Hart, Byrum, Cherry, V. Smith, Emmons, A. Smith, Hoffman, Vaughn and Schwarz moved that they be named co-sponsors of the following bill:

**Senate Bill No. 904**

The motion prevailed.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

**Senate Bill No. 902, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 88.

Substitute (H-1).

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

Senator Bennett offered the following substitute to the House substitute:

Substitute (S-4).

The substitute to the substitute was adopted.

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

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

**Roll Call No. 662****Yeas—34**

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

**Nays—0****Excused—3**

Berryman	Cisky	Geake
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**Not Voting—0**

In The Chair: Schwarz

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

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

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator DeGrow moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 5620**

**House Bill No. 5719**

**House Bill No. 5622**

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

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. 5620, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 795.

The question being on the passage of the bill,



Senator Bennett offered the following substitute:

Substitute (S-1).

The substitute 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. 663**

**Yeas—34**

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

**Nays—0**

**Excused—3**

Berryman	Cisky	Geake
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**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect,

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5719, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 716.

The question being on the passage of the bill,

Senator Bennett offered the following substitute:

Substitute (S-1).

The substitute 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. 664****Yeas—33**

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

**Nays—0****Excused—3**

Berryman	Cisky	Geake
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**Not Voting—1**

Conroy

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5622, entitled**

A bill to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest on the bonds to finance environmental and natural resources protection programs that would remediate and redevelop contaminated sites, protect and improve water quality, upgrade wastewater systems, improve drinking water infrastructure, prevent pollution, abate lead contamination, reclaim and revitalize community waterfronts, enhance recreational opportunities, and clean up contaminated sediments in lakes, rivers, and streams; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

The question being on the passage of the bill,

Senator Bennett offered the following substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 665****Yeas—31**

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

**Nays—3**

Bouchard	Dingell	Jaye
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**Excused—3**

Berryman	Cisky	Geake
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**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

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

A bill to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest on the bonds to finance environmental and natural resources protection programs that would clean up and redevelop contaminated sites, protect and improve water quality, prevent pollution, abate lead contamination, reclaim and revitalize community waterfronts, enhance recreational opportunities, and clean up contaminated sediments in lakes, rivers, and streams; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Stille stated that had he been present when the votes were taken on the passage and concurring in the House amendments and substitutes of the following bills, he would have voted "yea":

**Senate Bill No. 329**  
**Senate Bill No. 330**  
**Senate Bill No. 331**  
**Senate Bill No. 684**  
**Senate Bill No. 808**  
**House Bill No. 4444**  
**House Bill No. 4445**  
**House Bill No. 4446**  
**House Bill No. 4841**  
**House Bill No. 5627**  
**Senate Bill No. 38**  
**House Bill No. 5883**

**Recess**

Senator DeGrow moved that the Senate recess until 9:15 p.m.  
The motion prevailed, the time being 8:54 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 DeGrow moved that the Senate recess until 9:25 p.m.  
The motion prevailed, the time being 9:16 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 DeGrow moved that the Senate recess until 9:40 p.m.  
The motion prevailed, the time being 9:26 p.m.

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

**Protest**

Senator Bouchard, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the conference report to Senate Bill No. 904 and the passage of House Bill No. 5620 and moved that he be permitted to submit, in writing, his reasons for voting "no" for inclusion in a subsequent Journal.

The motion prevailed.

**Recess**

Senator Bouchard moved that the Senate recess until 9:45 p.m.  
The motion prevailed, the time being 9:39 p.m.

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**House Bill No. 5516, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11i, 20, 25, 51a, 62, 81, 101, and 166b (MCL 388.1611, 388.1611i, 388.1620, 388.1625, 388.1651a, 388.1662, 388.1681, 388.1701, and 388.1766b), sections 11, 20, 51a, 62, 81, and 101 as amended and section 11i as added by 1997 PA 142, section 25 as amended by 1997 PA 93, and section 166b as amended by 1996 PA 300, and by adding sections 11j, 11k, 11l, 25a, 31b, 31d, and 63.

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

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

**House Bill No. 5516**

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

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

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

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

**House Bill No. 5516, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 20, 81, 101, and 166b (MCL 388.1606, 388.1611, 388.1620, 388.1681, 388.1701, and 388.1766b), sections 6, 11, 20, 81, and 101 as amended by 1997 PA 142 and section 166b as amended by 1996 PA 300, and by adding section 20b.

Substitute (S-1).

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

1. Amend page 11, following line 5, by inserting:

"(Y) IF A DISTRICT HAS LESS THAN 7.00 FULL-TIME EQUATED PUPILS IN MEMBERSHIP, THE DISTRICT'S MEMBERSHIP SHALL BE CONSIDERED TO BE 6.00 FULL-TIME EQUATED PUPILS.

(Z) FOR 1998-99 ONLY, IF A DISTRICT'S 1997-98 MEMBERSHIP WAS BETWEEN 70 AND 100 FULL-TIME EQUATED PUPILS AND THE DISTRICT MEETS AT LEAST 1 OF THE FOLLOWING REQUIREMENTS, THE DISTRICT'S MEMBERSHIP SHALL BE CONSIDERED TO BE NOT LESS THAN 90 FULL-TIME EQUATED PUPILS:

(i) THE DISTRICT IS LOCATED ENTIRELY ON AN ISLAND.

(ii) EACH SCHOOL BUILDING IN THE DISTRICT IS AT LEAST 40 MILES FROM THE NEAREST SCHOOL BUILDING IN ANY OTHER DISTRICT."

2. Amend page 16, following line 13, by inserting:

"SEC. 11I. (1) IN ADDITION TO ANY OTHER MONEY APPROPRIATED UNDER THIS ACT, THERE IS APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$2,000,000.00 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999 AND THERE SHALL BE APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$2,000,000.00 EACH FISCAL YEAR FOR EACH SUCCEEDING FISCAL YEAR THROUGH THE FISCAL YEAR ENDING SEPTEMBER 30, 2008. PAYMENTS UNDER THIS SECTION WILL CEASE AFTER SEPTEMBER 30, 2008. THESE APPROPRIATIONS ARE FOR PAYING THE AMOUNTS DESCRIBED IN SUBSECTION (2) TO DISTRICTS, OTHER THAN THOSE RECEIVING A LUMP SUM PAYMENT UNDER SUBSECTION (3), THAT HAVE ISSUED FOR A SCHOOL CONSTRUCTION PROJECT BONDS THAT MEET ALL OF THE FOLLOWING:

(A) THE ISSUANCE OF THE BONDS WAS APPROVED BY THE SCHOOL ELECTORS AT AN ELECTION THAT OCCURRED AFTER NOVEMBER 21, 1994 AND BEFORE JUNE 27, 1997.

(B) THE BONDS ARE QUALIFIED BONDS UNDER 1961 PA 108, MCL 388.951 TO 388.963.

(2) THE AMOUNT PAID EACH FISCAL YEAR TO EACH DISTRICT UNDER SUBSECTION (1) SHALL BE 1/10 OF THE TOTAL AMOUNT, AS DETERMINED BY THE DEPARTMENT, THAT THE DISTRICT IS OR HAS BEEN REQUIRED TO PAY TO COMPLY WITH 1965 PA 116, MCL 408.551 TO 408.558, ON THOSE PORTIONS OF THE CONSTRUCTION PROJECT DESCRIBED IN SUBSECTION (1) THAT WERE NOT CONTRACTED FOR OR BID BEFORE JUNE 27, 1997.

(3) IN ADDITION TO ANY OTHER MONEY APPROPRIATED UNDER THIS ACT, THERE IS APPROPRIATED FROM THE STATE SCHOOL AID FUND AN AMOUNT NOT TO EXCEED \$50,000.00 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999. THIS APPROPRIATION IS FOR PAYING THE AMOUNTS DESCRIBED IN THIS SUBSECTION TO DISTRICTS THAT HAVE ISSUED FOR A SCHOOL CONSTRUCTION PROJECT BONDS THAT MEET THE REQUIREMENTS UNDER SUBSECTION (1), AND FOR WHICH THE TOTAL AMOUNT AS OTHERWISE CALCULATED UNDER SUBSECTION (2) IS LESS THAN \$25,000.00. FOR A DISTRICT QUALIFYING FOR A PAYMENT UNDER THIS SUBSECTION, THE ENTIRE AMOUNT CALCULATED UNDER SUBSECTION (2) SHALL BE PAID IN A LUMP SUM ON NOVEMBER 15, 1998 OR ON THE NEXT BUSINESS DAY FOLLOWING THAT DATE.

(4) THE ENTIRE AMOUNT OF EACH PAYMENT UNDER SUBSECTION (1) EACH FISCAL YEAR SHALL BE PAID ON NOVEMBER 15 OF THE APPLICABLE FISCAL YEAR OR ON THE NEXT BUSINESS DAY FOLLOWING THAT DATE.

(5) TO BE ELIGIBLE FOR A PAYMENT UNDER THIS SECTION, A DISTRICT SHALL SUBMIT TO THE DEPARTMENT EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT IT MEETS THE REQUIREMENTS FOR A PAYMENT UNDER THIS SECTION AND SHALL SUBMIT TO THE DEPARTMENT ALL INFORMATION THE DEPARTMENT CONSIDERS NECESSARY TO CALCULATE THE AMOUNT OF THE PAYMENT." and adjusting the totals in section 11 accordingly.

3. Amend page 16, line 19, after "exceed" by striking out "\$8,091,250,000.00" and inserting "\$8,091,400,000.00" and adjusting the totals in section 11 accordingly.

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

### Third Reading of Bills

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

#### House Bill No. 5516

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

The following bill was read a third time:

#### House Bill No. 5516, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 20, 81, 101, and 166b (MCL 388.1606, 388.1611, 388.1620, 388.1681, 388.1701, and 388.1766b), sections 6, 11, 20, 81, and 101 as amended by 1997 PA 142 and section 166b as amended by 1996 PA 300, and by adding section 20b.

The question being on the passage of the bill,

Senator Conroy offered the following amendments:

1. Amend page 14, line 22, after "fund." by striking out the balance of the line through "FUND." on line 1 of page 15.
2. Amend page 15, line 2, after "1997-98" by striking out the comma and inserting "and".
3. Amend page 15, line 2, after "1998-99" by striking out the balance of the line and inserting a period.
4. Amend page 16, line 14, after "1997-98" by striking out "and 1998-99".
5. Amend page 16, line 15, after "FOR" by striking out "1999-2000" and inserting "1998-99".
6. Amend page 16, line 16, after "IS" by striking out "\$5,649.00" and inserting "\$5,572.00".
7. Amend page 16, line 18, after "\$8,022,595,100.00" by striking out the comma and inserting "and".
8. Amend page 16, line 19, after "exceed" by striking out the balance of the line through "\$8,208,750,000.00" on line 20 and inserting "\$8,174,000,000.00".
9. Amend page 21, line 6, after "1997-98" by striking out the comma and inserting "and".
10. Amend page 21, line 7, after "1998-99" by striking out the comma and "AND FOR 1999-2000".
11. Amend page 21, line 19, after "1997-98," by inserting "or".
12. Amend page 21, line 19, after "1998-99," by striking out the balance of the line through "1999-2000," on line 20.
13. Amend page 22, line 3, after "1997-98," by inserting "or".
14. Amend page 22, line 3, after "1998-99," by striking out "OR 1999-2000,".
15. Amend page 26, line 1, by striking out all of subsection (14) and renumbering the remaining subsections.
16. Amend page 30, line 4, by striking out all of section 20B.
17. Amend page 31, following line 3, by inserting:

"Sec. 51a. (1) From the appropriation in section 11, there is allocated \$818,786,700.00 for 1997-98 to consist of an amount not to exceed \$722,853,300.00 from state sources and \$95,933,400.00 in federal funding under sections 611 to 620 of part B of the individuals with disabilities education act, title VI of Public Law 91-230, 20 U.S.C. 1411 to 1420, plus any carryover federal funds from previous year appropriations, and there is allocated for 1998-99 an amount not to exceed ~~\$771,053,300.00~~ \$765,000,000.00 from state sources and all available federal funding, estimated at \$120,000,000.00, plus any carryover federal funds from previous year appropriations, for the purpose of reimbursing districts and intermediate districts for special education programs, services, and special education personnel as prescribed in article 3 of the revised school code, MCL 380.1701 to 380.1766; net tuition payments made by intermediate districts to the Michigan schools for the deaf and blind; and programs for pupils with handicaps as defined by the department. For meeting the costs of special education programs and services not reimbursed under this article,

a district or intermediate district may use money in general funds or special education funds, not otherwise restricted, or contributions from districts to intermediate districts, tuition payments, gifts and contributions from individuals, or federal funds that may be available for this purpose, as determined by the intermediate district plan prepared pursuant to article 3 of the revised school code, MCL 380.1701 to 380.1766.

(2) From the funds allocated under subsection (1), there is allocated for 1997-98 and for 1998-99 the amount necessary, estimated at \$620,906,100.00 for 1997-98 and ~~\$672,274,000.00~~ \$659,900,000.00 for 1998-99, for payments toward reimbursing districts and intermediate districts for 28.6138% of total approved costs of special education, excluding costs reimbursed under section 53a, and 70.4165% of total approved costs of special education transportation. Allocations under this subsection shall be made as follows:

(a) The initial amount allocated to a district under this subsection toward fulfilling the specified percentages shall be calculated by multiplying the district's special education pupil membership, excluding pupils described in subsection (13), times the foundation allowance under section 20 of the pupil's district of residence, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the 1997-98 and 1998-99 basic foundation allowance under section 20 and \$5,000.00, or, for a special education pupil in membership in a district that is a public school academy or university school, times an amount equal to the amount per membership pupil calculated under section 20(6). For an intermediate district, the amount allocated under this subdivision toward fulfilling the specified percentages shall be an amount per special education membership pupil, excluding pupils described in subsection (13), and shall be calculated in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the 1997-98 and 1998-99 basic foundation allowance under section 20 and \$5,000.00.

(b) After the allocations under subdivision (a), districts and intermediate districts for which the payments under subdivision (a) do not fulfill the specified percentages shall be paid the amount necessary to achieve the specified percentages for the district or intermediate district.

(3) From the funds allocated under subsection (1), there is allocated for 1997-98 and for 1998-99 the amount necessary, estimated at \$29,224,700.00 for 1997-98 and ~~\$26,056,800.00~~ \$31,048,100.00 for 1998-99, to make payments to districts and intermediate districts under this subsection. If the amount allocated to a district or intermediate district for 1997-98 or 1998-99 under subsection (2)(b) is less than the sum of the amounts allocated to the district or intermediate district for 1996-97 under sections 52 and 58, there is allocated to the district or intermediate district for 1997-98 or for 1998-99, or both as applicable, an amount equal to that difference, adjusted by applying the same proration factor that was used in the distribution of funds under section 52 in 1996-97 as adjusted to the district's or intermediate district's necessary costs of special education used in calculations for 1997-98 or 1998-99. This adjustment is to reflect reductions in special education program operations between 1996-97 and 1997-98 or 1998-99, as applicable.

(4) If the department determines that the sum of the amounts allocated for a fiscal year to a district or intermediate district under subsection (2)(a) and (b) is not sufficient to fulfill the specified percentages in subsection (2), then the shortfall shall be paid to the district or intermediate district during the fiscal year beginning on the October 1 following the determination and payments under subsection (3) shall be adjusted as necessary. If the department determines that the sum of the amounts allocated for a fiscal year to a district or intermediate district under subsection (2)(a) and (b) exceeds the sum of the amount necessary to fulfill the specified percentages in subsection (2), then the department shall deduct the amount of the excess from the district's or intermediate district's payments under this act for the fiscal year beginning on the October 1 following the determination and payments under subsection (3) shall be adjusted as necessary. However, if the amount allocated under subsection (2)(a) in itself exceeds the amount necessary to fulfill the specified percentages in subsection (2), there shall be no deduction under this subsection.

(5) State funds shall be allocated on a total approved cost basis. Federal funds shall be allocated under applicable federal requirements, except that an amount not to exceed \$3,100,000.00 may be allocated by the department for 1997-98, and an amount not to exceed \$3,500,000.00 may be allocated by the department for 1998-99, to districts or intermediate districts on a competitive grant basis for programs, equipment, and services that the department determines to be designed to benefit or improve special education on a statewide scale.

(6) From the amount allocated in subsection (1), there is allocated an amount not to exceed \$1,700,000.00 for 1997-98 and an amount not to exceed \$2,200,000.00 for 1998-99 to reimburse 100% of the net increase in necessary costs incurred by a district or intermediate district in implementing the revisions in the administrative rules for special education that became effective on July 1, 1987. As used in this subsection, "net increase in necessary costs" means the necessary additional costs incurred solely because of new or revised requirements in the administrative rules minus cost savings permitted in implementing the revised rules. Net increase in necessary costs shall be determined in a manner specified by the department.

(7) For purposes of this article, all of the following apply:

(a) "Total approved costs of special education" shall be determined in a manner specified by the department and may include indirect costs, but shall not exceed 115% of approved direct costs for section 52 and section 53a programs. The total approved costs include salary and other compensation for all approved special education personnel for the

program, including payments for social security and medicare and public school employee retirement system contributions. The total approved costs do not include salaries or other compensation paid to administrative personnel who are not special education personnel as defined in section 6 of the revised school code, MCL 380.6. Costs reimbursed by federal funds, other than those federal funds included in the allocation made under this article, are not included. Special education approved personnel not utilized full time in the evaluation of students or in the delivery of special education programs, ancillary, and other related services shall be reimbursed under this section only for that portion of time actually spent providing these programs and services, with the exception of special education programs and services provided to youth placed in child caring institutions or juvenile detention programs approved by the department to provide an on-grounds education program.

(b) Reimbursement for ancillary and other related services, as defined by R 340.1701 of the Michigan administrative code, shall not be provided when those services are covered by and available through private group health insurance carriers or federal reimbursed program sources unless the department and district or intermediate district agree otherwise and that agreement is approved by the department of management and budget. Expenses, other than the incidental expense of filing, shall not be borne by the parent. In addition, the filing of claims shall not delay the education of a pupil. A district or intermediate district shall be responsible for payment of a deductible amount and for an advance payment required until the time a claim is paid.

(8) From the allocation in subsection (1), there is allocated for 1997-98 and for 1998-99 an amount not to exceed \$15,313,900.00 each fiscal year to intermediate districts. The payment under this subsection to each intermediate district shall be equal to the amount of the 1996-97 allocation to the intermediate district under this subsection.

(9) A pupil who is enrolled in a full-time special education program conducted or administered by an intermediate district or a pupil who is enrolled in the Michigan schools for the deaf and blind shall not be included in the membership count of a district, but shall be counted in membership in the intermediate district of residence.

(10) Notwithstanding section 6(4), for 1997-98 only, for pupils enrolled in a center program pursuant to an intermediate district plan the department shall use for the February 1997 supplemental count the definition of membership used for the 1997-98 pupil membership count day.

(11) Special education personnel transferred from 1 district to another to implement the revised school code shall be entitled to the rights, benefits, and tenure to which the person would otherwise be entitled had that person been employed by the receiving district originally.

(12) If a district or intermediate district uses money received under this section for a purpose other than the purpose or purposes for which the money is allocated, the department may require the district or intermediate district to refund the amount of money received. Money that is refunded shall be deposited in the state treasury to the credit of the state school aid fund.

(13) From the funds allocated in subsection (1), there is allocated each fiscal year for 1997-98 and for 1998-99 the amount necessary, estimated at \$8,370,600.00 for 1997-98 and \$9,700,000.00 for 1998-99, to pay the foundation allowances for pupils described in this subsection. The allocation to a district under this subsection shall be calculated by multiplying the number of pupils described in this subsection who are counted in membership in the district times the foundation allowance under section 20 of the pupil's district of residence, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the 1997-98 and 1998-99 basic foundation allowance under section 20 and \$5,000.00, or, for a pupil described in this subsection who is counted in membership in a district that is a public school academy or university school, times an amount equal to the amount per membership pupil under section 20(6). The allocation to an intermediate district under this subsection shall be calculated in the same manner as for a district, using the foundation allowance under section 20 of the pupil's district of residence, not to exceed \$6,500.00 adjusted by the dollar amount of the difference between the 1997-98 and 1998-99 basic foundation allowance under section 20 and \$5,000.00. This subsection applies to all of the following pupils:

(a) Pupils described in section 53a.

(b) Pupils counted in membership in an intermediate district who are not special education pupils and are served by the intermediate district in a juvenile detention or child caring facility.

(c) Emotionally impaired pupils counted in membership by an intermediate district and provided educational services by the department of community health.

(14) After payments under subsections (2) and (13), the remaining expenditures from the allocation in subsection (1) shall be made in the following order:

(a) 100% of the reimbursement required under section 53a.

(b) 100% of the reimbursement required under subsection (6).

(c) 100% of the payment required under section 54.

(d) 100% of the payment required under subsection (3).

(e) 100% of the payment required under subsection (8).

(f) 100% of the payments under section 56."

18. Amend page 31, line 6, after "1997-98" by striking out the comma and inserting "and".

19. Amend page 31, line 6, after "1998-99" by striking out the comma and "AND FOR 1999-2000".



20. Amend page 31, line 8, after "1997-98" by striking out the balance of the line through "1999-2000" on line 10 and inserting "AND NOT TO EXCEED \$81,450,000.00 FOR 1998-99".

21. Amend page 31, line 19, after "TO" by inserting "102% OF" and adjusting the totals in section 11 accordingly.

22. Amend page 31, line 21, after "1997-98." by striking out the balance of the line through "1998-99." on line 26.

23. Amend page 32, line 25, after "1997-98" by striking out the comma and inserting "and for".

24. Amend page 32, line 26, after "1998-99" by striking out the comma and "AND 1999-2000".

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

**Roll Call No. 666**

**Yeas—16**

Bennett	DeBeaussaert	Koivisto	Smith, A.
Byrum	Dingell	Miller	Smith, V.
Cherry	Gougeon	O'Brien	Vaughn
Conroy	Hart	Peters	Young

**Nays—18**

Bouchard	Gast	Posthumus	Shugars
Bullard	Hoffman	Rogers	Steil
DeGrow	Jaye	Schuette	Stille
Dunaskiss	McManus	Schwarz	Van Regenmorter
Emmons	North		

**Excused—3**

Berryman	Cisky	Geake
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**Not Voting—0**

In The Chair: Schwarz

**Protests**

Senators DeGrow, Shugars, North, Emmons, Gast, Stille, Steil, Van Regenmorter, Dunaskiss, Hoffman, McManus and Schwarz, under their constitutional right of protest (Art. 4, Sec. 18), protested against the amendments offered by Senator Conroy to House Bill No. 5516.

Senator DeGrow's statement, in which Senators Shugars, North, Emmons, Gast, Stille, Steil, Van Regenmorter, Dunaskiss, Hoffman, McManus and Schwarz concurred, is as follows:

There is one thing that he said that I agree with, the last sentence, "Let's go home." But a couple of points.

First, I believe the amount that was promised in the bill is triggered to the tune of \$91 million, not over \$220 million. Second, I think that is terrible public policy for the state and the schools, to do what the House has done, which is take all of the money that is available in the school aid fund, \$220 million, and spend every single penny of it. So, as we head into next year, if there is any downturn at all, then they will automatically have a negative supplemental in the middle of the year. So, if we're off one penny then they start losing money. What the House did is they said, "There are \$200-some million that exists; we're going to spend every penny of it." If we're off by a penny, they will start to get prorations next year.

The last point I want to make is, he was critical of this two-year budget thing. What I would point out is I think it's good for schools. I would point that if we did have a two-year budget that we were going into to next year for, we wouldn't be standing here tonight on July 2, with the schools already two days into their fiscal year, with no idea what they will have for next year. They will have already passed budgets by law, stating what they would have to spend next year, and yet they have no idea how much money they would have.

Senator, a two-year budget is a positive thing to them, because at least they know that what they are passing has some basis in reality. One of the biggest criticisms I've heard over the years as a legislator is, "You pass your budgets for us after July 1; our budgets start July 1. How can we pass when we don't know what we're getting from you?" Since Proposal A, that is even more important because they get 80 percent of their money from us.

So, to say a two-year budget is a bad thing essentially means school districts are going to start their year in future legislatures, having no idea of what they have. The purpose of a two-year budget is to give them something to work off of, some stability. I think we should reject the Conroy amendment, send the bill to the House, and then Senator, yes, go home.

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. 667**

**Yeas—22**

Bennett	Emmons	Miller	Schwarz
Bouchard	Gast	North	Shugars
Bullard	Gougeon	Posthumus	Steil
DeBeaussaert	Hart	Rogers	Stille
DeGrow	Hoffman	Schuetz	Van Regenmorter
Dunaskiss	McManus		

**Nays—12**

Byrum	Dingell	O'Brien	Smith, V.
Cherry	Jaye	Peters	Vaughn
Conroy	Koivisto	Smith, A.	Young

**Excused—3**

Berryman	Cisky	Geake
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**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

Senator North offered to amend 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 certain acts and parts of acts," by amending sections 6, 11, 20, 81, 101, and 166b (MCL 388.1606, 388.1611, 388.1620, 388.1681, 388.1701, and 388.1766b), sections 6, 11, 20, 81, and 101 as amended by 1997 PA 142 and section 166b as amended by 1996 PA 300, and by adding sections 111 and 20b.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

### Protests

Senators Cherry, Conroy, A. Smith, Byrum, V. Smith and Peters, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5516.

Senators Cherry and Conroy moved that the statements they made during the discussion of the amendments and the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Cherry's statement, in which Senators A. Smith, Byrum, V. Smith and Peters concurred, is as follows:

I intend to vote "no" on House Bill No. 5516. I hope others will do the same. I am going to vote in that fashion because, quite frankly, this bill breaks faith with the promise we made when we put together the Durant settlement.

In that Durant package, we passed a school aid act that said that if there were additional revenues in the school aid fund, in the second year of that budget, we would increase the foundation allowance in the 1998-99 school year. This bill does not do that. It does increase the foundation allowance in the 1999-2000 school year two years down the road. That is no guarantee, and in fact, is a chance at its best.

What is really at work here is a concern about whether in the year 2000 there'll be enough revenue. That's why people don't want to give school districts that money now, as we promised them. They want to save it for that down year should it emerge. If we pass this bill, we're putting the full risk of that economic projection on the shoulders of a school district, because then we must re-apportion the foundation allowance, and this so-called promise will evaporate. So there is no promise here, even really in the year 2000.

In fact, as the good Senator from the 27th District pointed out, this is not a complete two-year budget. We're going to come back. We're going to have to revisit it. When we reopen it, when the election is long passed, and we're facing a four-year lame duck Senate, we can do all the mischief we choose to do.

We can break not only the promise we made last year, but we can break the promise we are about to make this year. We can even proceed to break the next 15 years of promises that we made when we did this Durant settlement. We are entering dangerous ground when we break the first promise, because we put in place a pattern—a pattern of breaking trust with the public, with our school districts, and our school children that we so clearly enunciated last year.

This may, in the short run, be a small increase for a school district I represent, but in the long run they will not get the money that they deserve. I don't want to be party to any effort to break faith with our public, to go back on the promise that we made last year. It just seems to me there are points in time where you've got to honor your word. I think this is one.

Senator Conroy's first statement is as follows:

This is the amendment that we talked about earlier, and hopefully we will have a little more enlightened discussion here on this promise that was made for the second year of a two-year budget. That promise was that if there was additional funds, then that money would be put into an increase of the foundation allowance.

The DeGrow substitute does not raise the 1998-99 foundation allowance by one penny. It does not increase it at all. There is some kind of borrowing mechanism that he has in there. This gives the school districts \$110 increase in the foundation allowance: raises it from 54.62 to 55.72, and this amendment also abandons the idea of another two-year budget.

We don't seem to be able to deliver on promises that we make in these two-year budgets. I believe some of these school districts think that they've gotten burned by the absence of the follow-through on the promises that were made.

So, we have made this promise. Let's keep it. Let's increase this foundation allowance \$110, make this a one-year bill, and let's go home.

Senator Conroy's second statement is as follows:

There is one difference between the Conroy amendment and the DeGrow substitute, and that is \$110 per child for every kid in the state. That is \$88 million, and that's all it is. It is not \$219 million. It's \$88 million, and we promised it.

I happen to think that school districts are a little smarter than what the previous speaker just intimated. That is, they can read section 16, which says they are going to get an increase, and it's going to go to the foundation allowance. The House figured that to be \$110. Eighty people over there voted for that. Six of them that voted "no" said it wasn't enough. So, at least this a moderate amount, but it's \$110 more than the bill in front of us, and that would start immediately.

I don't think we would be criticized if we passed this July 2, one day after some of those fiscal years started for those schools. I don't think they would be real upset. I think that if we go home, and we have the next six or eight weeks without any increase, then I think they will be upset. That apparently is what some would like to see happen.

The House isn't going to pass a two-year bill. At least that's what they've told me. I think they got burned once on it, and they don't want to get burned again. Virtually all the other bills are one-year bills, that is a tradition in this state, not a two-year bill where the second year can be finagled and the promises can be forgotten. Let's remember the promises and keep them.

Senator Conroy's third statement is as follows:

With term limitation, the House is going to 65 new members over there, plus others who have decided not to run again. So there is going to be a fair amount of chaos in terms of information that is available to many of the members. When they start seeing that we have been jerking around the school districts with these two year promises, they are going to find out very quickly that that's something that the school districts aren't in favor of. When the Majority Floor Leader came over and said that you can borrow money from that second year, I said, Oh, my God. It sounds a little bit like high finance to me. I think we ought to be honest and forthright about the promise we made in section 16 of that bill that says if there's excess dollars, we will apportion that money commensurate to the excess amount and allocate that to the foundation allowance. One hundred and ten dollars is appropriate when you talk about the amount of money that we have. It is available. We made the promise; let's keep it.

Senator Conroy's fourth statement, in which Senators A. Smith, Byrum, Cherry and Peters concurred, is as follows:

The DeGrow substitute does not raise the 1998-99 foundation allowance by one penny. There is no increase to those school districts who were promised that there would be if there were excess funds in that school aid fund. There are excess funds. One hundred and ten dollars is the same amount that the House passed. It does fulfill the promise that section 16 provided that we all voted on that's in the bill and apparently the majority wants to forget. I just think that it's a poor way of doing business. Then when you come up with the idea that you want another two-year bill, after you've failed on the promise you've made, it just doesn't make since that we support that. I reluctantly vote against this bill. I want to make certain that we help schools make sure that these children become competent adults. But this is certainly a step in the wrong direction, and I think it's a slap in the face to the public school system as well.

Senator Conroy's fifth statement, in which Senators A. Smith, Byrum, Cherry and Peters concurred, is as follows:

Wow! The backroom is this room. This is the room. We didn't confidentially do this among a few people. We wrote it down. It's item 16. It's written out here, and it says that if we've got excess funds, we're to put that money into the basic foundation allowance for the 1998-99 year. That's what it says right here. This is no backroom deal with three people. Not withstanding the fact that the chairman of Appropriations would like to somehow start a new savings account for education. I think he ought to submit a bill. That may be a good idea, but when you've made the promise, I think you need to keep the promise.

Now, we watch TV. We see the promises made, promises kept. This is really not promises kept. Promises made, promises not kept. That probably is the single one thing that people in political life are faced with—the integrity of their service, the integrity of what they stand for. Frankly, I don't like to make promises, because sometimes it's hard to keep them. If it's hard to keep them, tell us, but don't tell us that you're consummating the promises when you're violating those promises. It was written down.

This isn't a backroom. This is the state Senate of this great state. I believe that all of us voted for that bill—I don't know if Senator Jaye was here. Most of us voted for that bill. I think it was a good bill. We've found that we can't trust ourselves now when we make a two-year bill, so this is the reason that we should vote for this. We should vote for a one-year bill—clearly the House will.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

#### **Senate Bill No. 1156, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated;

to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 1997 PA 79.

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

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

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 9a, 10, and 11 (MCL 247.659a, 247.660, and 247.661), section 9a as amended by 1987 PA 234 and sections 10 and 11 as amended by 1997 PA 79, and by adding section 10o.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

### Roll Call No. 668

### Yeas—33

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

### Nays—1

Jaye

**Excused—3**

Berryman

Cisky

Geake

**Not Voting—0**

In The Chair: Schwarz

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

**Senate Bill No. 281, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1998 PA 209 and section 36 as amended by 1996 PA 554.

The House of Representatives has concurred in the Senate substitute (S-6) to the House substitute (H-5) and agreed to the title.

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

**Senate Bill No. 200, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 329a. The House of Representatives has amended the bill as follows:

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

"(3) THIS SECTION DOES NOT PROHIBIT A PROSECUTION UNDER THE COMMON LAW OFFENSE OF ASSISTING IN A SUICIDE, BUT A PERSON SHALL NOT BE CONVICTED UNDER BOTH THIS SECTION AND THAT COMMON LAW OFFENSE FOR CONDUCT ARISING OUT OF THE SAME TRANSACTION.

Enacting section 1. This amendatory act takes effect September 1, 1998."

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 669****Yeas—29**

Bennett  
 Bouchard  
 Bullard

Emmons  
 Gast  
 Gougeon

McManus  
 Miller  
 North

Schwarz  
 Shugars  
 Smith, V.

Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss

Hart  
Hoffman  
Jaye  
Koivisto

O'Brien  
Posthumus  
Rogers  
Schuette

Steil  
Stille  
Van Regenmorter  
Young

**Nays—5**

Byrum  
Conroy

Peters

Smith, A.

Vaughn

**Excused—3**

Berryman

Cisky

Geake

**Not Voting—0**

In The Chair: Schwarz

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

**Protests**

Senators Peters, Conroy, A. Smith and Byrum, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House amendment to Senate Bill No. 200.

Senator Peters moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Peters' statement, in which Senators Conroy, A. Smith and Byrum concurred, is as follows:

This is a very important issue and one that definitely touches everybody in the state of Michigan. I was certainly not very pleased when this body refused to allow the people of the state of Michigan to make a decision on this issue. But, as a result of the efforts of a group of individuals who went out and collected several hundred thousand signatures, this issue will be on the ballot this fall, and the people of the state of Michigan will finally have an opportunity to express their opinions one way or another on this issue to determine whether or not it should be allowed under carefully regulated circumstances to be approved here in the state of Michigan.

I think it is wise for us to vote "no" on this House amendment and not to give this bill immediate effect given the fact that right now this issue is pending and will be pending before the voters of the state of Michigan. We should give the voters an opportunity to make this decision in November, hear their voices, and there is absolutely no need whatsoever to give this bill immediate effect or to give it a September 1 effective date when there is going to be an election at the beginning of November which will decide the issue one way or the other.

I would urge a "no" vote.

Senators Jaye and Dunaskiss moved that they be named co-sponsors of the following bill:

**Senate Bill No. 200**

The motion prevailed.

**Senate Bill No. 826, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 34 (MCL 800.34), as amended by 1996 PA 83; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending sections 34 and 35 (MCL 800.34 and 800.35), section 34 as amended by 1996 PA 83 and section 35 as added by 1994 PA 218; and to repeal acts and parts of acts.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 670****Yeas—33**

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

**Nays—1**

Bouchard

**Excused—3**

Berryman

Cisky

Geake

**Not Voting—0**

In The Chair: Schwarz

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

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

The Senate agreed to the title as amended.

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

Senators Jaye and Vaughn moved that they be named co-sponsors of the following bill:

**Senate Bill No. 826**

The motion prevailed.



**Senate Bill No. 902, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 88.

The House of Representatives has concurred in the Senate substitute (S-4) to the House substitute (H-1).

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

**Senate Bill No. 904, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 196.

(For Conference Report, see p. 1553.)

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

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

**Senate Bill No. 882, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 1989 PA 253.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 4, after "330.1100A" by inserting "EXCEPT THAT, FOR THE PURPOSES OF IMPLEMENTING THIS SECTION, DEVELOPMENTAL DISABILITY INCLUDES ONLY A CONDITION THAT IS ATTRIBUTABLE TO A MENTAL IMPAIRMENT OR TO A COMBINATION OF MENTAL AND PHYSICAL IMPAIRMENTS, AND DOES NOT INCLUDE A CONDITION ATTRIBUTABLE TO A PHYSICAL IMPAIRMENT UNACCOMPANIED BY A MENTAL IMPAIRMENT".

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 671****Yeas—33**

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

**Nays—0****Excused—3**

Berryman

Cisky

Geake

**Not Voting—1**

Posthumus

In The Chair: Schwarz

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

Senator Posthumus entered the Senate Chamber.

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

**Senate Bill No. 883, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 17 and 17b of chapter XIIA (MCL 712A.17 and 712A.17b), section 17 as amended by 1997 PA 169 and section 17b as amended by 1989 PA 254.

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 2, after "330.1100A" by inserting "EXCEPT THAT, FOR THE PURPOSES OF IMPLEMENTING THIS SECTION, DEVELOPMENTAL DISABILITY INCLUDES ONLY A CONDITION THAT IS ATTRIBUTABLE TO A MENTAL IMPAIRMENT OR TO A COMBINATION OF MENTAL AND PHYSICAL IMPAIRMENTS, AND DOES NOT INCLUDE A CONDITION ATTRIBUTABLE TO A PHYSICAL IMPAIRMENT UNACCOMPANIED BY A MENTAL IMPAIRMENT".

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 672****Yeas—34**

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

**Nays—0**

**Excused—3**

Berryman

Cisky

Geake

**Not Voting—0**

In The Chair: Schwarz

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

**Senate Bill No. 884, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4a (MCL 38.104a), as added by 1987 PA 47.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 6, after "330.1100A" by inserting "EXCEPT THAT, FOR THE PURPOSES OF IMPLEMENTING THIS SECTION, DEVELOPMENTAL DISABILITY INCLUDES ONLY A CONDITION THAT IS ATTRIBUTABLE TO A MENTAL IMPAIRMENT OR TO A COMBINATION OF MENTAL AND PHYSICAL IMPAIRMENTS, AND DOES NOT INCLUDE A CONDITION ATTRIBUTABLE TO A PHYSICAL IMPAIRMENT UNACCOMPANIED BY A MENTAL IMPAIRMENT".

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 673**

**Yeas—34**

Bennett  
Bouchard  
Bullard  
Byrum  
Cherry  
Conroy  
DeBeaussaert  
DeGrow  
Dingell

Dunaskiss  
Emmons  
Gast  
Gougeon  
Hart  
Hoffman  
Jaye  
Koivisto  
McManus

Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette  
Schwarz

Shugars  
Smith, A.  
Smith, V.  
Steil  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—3**

Berryman

Cisky

Geake

**Not Voting—0**

In The Chair: Schwarz

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

**Senate Bill No. 885, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 75a (MCL 24.275a), as added by 1987 PA 46.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 3, after "330.1100A" by inserting "EXCEPT THAT, FOR THE PURPOSES OF IMPLEMENTING THIS SECTION, DEVELOPMENTAL DISABILITY INCLUDES ONLY A CONDITION THAT IS ATTRIBUTABLE TO A MENTAL IMPAIRMENT OR TO A COMBINATION OF MENTAL AND PHYSICAL IMPAIRMENTS, AND DOES NOT INCLUDE A CONDITION ATTRIBUTABLE TO A PHYSICAL IMPAIRMENT UNACCOMPANIED BY A MENTAL IMPAIRMENT".

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

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

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

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

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

**Roll Call No. 674****Yeas—34**

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

**Nays—0****Excused—3**

Berryman	Cisky	Geake
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**Not Voting—0**

In The Chair: Schwarz

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

**Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 11:17 p.m.

11:51 p.m.

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

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

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Friday, July 3, at 12:01 a.m.  
The motion prevailed.

**Committee Reports**

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 904 submits the following:  
Meeting held on Tuesday, June 30, 1998, at 9:30 a.m., 8th Floor Conference Room, Farnum Building  
Present: Senators Bennett (C), McManus and DeBeaussaert

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5424 submits the following:  
Meeting held on Tuesday, June 30, 1998, at 9:30 a.m., Room 405, Capitol Building  
Present: Senators Stille (C), Emmons and Peters

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4738 submits the following:  
Meeting held on Tuesday, June 30, 1998, at 1:25 p.m., Room 427, Capitol Building  
Present: Senators Schuette (C) and Peters  
Absent: Senator Cisky

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4740 submits the following:  
Meeting held on Tuesday, June 30, 1998, at 1:25 p.m., Room 427, Capitol Building  
Present: Senators Schuette (C) and Peters  
Absent: Senator Cisky

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 11:53 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Friday, July 3, at 12:01 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

