

No. 48
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, May 26, 1999.

10:00 a.m.

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

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

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

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

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

Senator Gary Peters of the 14th District offered the following invocation:

Lord, make me an instrument of Your peace where there is hatred. Let me sow love where there is injury; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

O divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, and to be loved as to love. For it is in giving that we receive. It is in pardoning that we are pardoned. It is in dying that we are born again to eternal life. Amen.

Motions and Communications

Senators Hart and Hoffman entered the Senate Chamber.

The following communications were received:

Office of Auditor General

May 24, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of Selected State Universities' Reporting of Enrollment and Other Higher Education Institutional Data Inventory (HEIDI), Data Fiscal Year 1997-98.

May 24, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Request for Proposal for the Outstate Michigan Comprehensive Health Care Plan, Department of Community Health and Department of Management and Budget, May 1999.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

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 Wednesday, May 26:
House Bill Nos. 4065 4420 4499 4669 4696

Messages from the House

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

Senate Bill No. 381

The motion prevailed.

Senate Bill No. 68, entitled

A bill to make, supplement, and adjust appropriations for capital outlay, the judiciary, the legislature, and various state departments and agencies for the fiscal year ending September 30, 1999; to make appropriations for community colleges, colleges, and universities; to provide for the expenditure of those appropriations; to create funds and accounts; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; to provide for the disposition of fees and other income received by certain state agencies; and to repeal acts and parts of acts.

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.

Senators Stille and Dunaskiss entered the Senate Chamber.

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

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

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

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

House Bill No. 4358, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5509 (MCL 700.5509).

House Bill No. 4182, 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 13 (MCL 247.663), as amended by 1997 PA 79.

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

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

Senate Bill No. 463, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 7, 8, 10, and 22 (MCL 125.1502, 125.1507, 125.1508, 125.1510, and 125.1522), the title as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

Substitute (S-2).

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

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

House Bill No. 4466, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as added by 1998 PA 317.

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

1. Amend page 8, following line 9, by inserting:

"Enacting section 1. This amendatory act takes effect September 1, 1999." and renumbering the remaining enacting section.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4018, entitled

A bill to amend 1917 PA 138, entitled "An act to authorize the creation of county libraries; to authorize the contracting by the board of supervisors of any county for library service; to authorize the contracting by the board of supervisors of any county or the board of trustees of any regional library with any other municipality for the furnishing of such service; and to provide for a tax for the purposes of this act," by amending section 2 (MCL 397.302), as amended by 1994 PA 77.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4025, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10204 and 16215 (MCL 333.10204 and 333.16215), section 10204 as amended by 1988 PA 63 and section 16215 as amended by 1990 PA 279.
Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4168, 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 15 (MCL 247.665), as amended by 1982 PA 438.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:
House Bill No. 4605, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1998 PA 224.

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

1. Amend page 3, line 8, after "DEPARTMENT." by striking out "Any" and inserting "THE STATE TRANSPORTATION DEPARTMENT MAY ENTER INTO AGREEMENTS TO ALLOW LOGO SIGNAGE, AND ANY".

2. Amend page 3, line 10, after “the” by striking out the balance of the subsection and inserting “STATE TRUNK LINE FUND ESTABLISHED UNDER SECTION 11 OF 1951 PA 51, MCL 247.661.”.

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

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

House Bill No. 4606, entitled

A bill 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 1998 PA 223.

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

1. Amend page 4, line 26, after “DEPARTMENT.” by striking out “Any” and inserting “THE STATE TRANSPORTATION DEPARTMENT MAY ENTER INTO AGREEMENTS TO ALLOW LOGO SIGNAGE, AND ANY”.

2. Amend page 5, line 1, after “the” by striking out the balance of the subsection and inserting “STATE TRUNK LINE FUND ESTABLISHED UNDER SECTION 11 OF 1951 PA 51, MCL 247.661.”.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 68

The motion prevailed.

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

The question being on the motion to reconsider,

Senator Rogers moved that further consideration of the bill be postponed for today.

The motion prevailed.

Senator Rogers 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:

Senate Bill No. 463

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

Recess

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

The motion prevailed, the time being 10:34 a.m.

10:48 a.m.

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

Recess

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

The motion prevailed, the time being 10:50 a.m.

11:39 a.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

Senate Bill No. 374, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690), as amended by 1998 PA 239.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 23, after "AS" by striking out "DETERMINED" and inserting "DEFINED IN A WRITTEN POLICY".

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 Rogers moved that the rule be suspended.

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

The question being on concurring in the 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. 277

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Leland

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.

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

The motion prevailed.

Senate Bill No. 484, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts of certain cities; to permit the creation of certain boards; and to authorize the collection of revenue and the

bonding of certain cities for the development or redevelopment projects," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 125.981, 125.982, 125.983, 125.984, and 125.985), as amended by 1992 PA 146.

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.

Senator Leland entered the Senate Chamber.

Senate Bill No. 530, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12562 (MCL 333.12562), as amended by 1996 PA 67.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 155, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15d of chapter IV (MCL 764.15d), as added by 1987 PA 256.

The House of Representatives has amended the bill as follows:

1. Amend page 3, following line 11, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 1999."

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

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

Senate Bill No. 357, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

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

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

Senate Bill No. 361, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

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

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

Senate Bill No. 368, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

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

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

Senate Bill No. 369, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

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

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

Senate Bill No. 371, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

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

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

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 463, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 4, 7, 8, 10, and 22 (MCL 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 278**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Rogers, Schuette, Gougeon, Bennett, Steil, Dunaskiss and Sikkema moved that they be named co-sponsors of the following bill:

Senate Bill No. 463

The motion prevailed.

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

House Bill No. 4355, entitled

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

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 279

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4356, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 110a (MCL 750.110a), as added by 1994 PA 270.

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. 280

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

Senate Bill No. 461, entitled

A bill to amend 1971 PA 79, entitled "Age of majority act of 1971," by amending section 3 (MCL 722.53).

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

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

Senate Bill No. 460, entitled

A bill to amend 1972 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to

provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 6a, 8, 9d, 10, 12, 12a, 12c, and 14 (MCL 28.421, 28.426a, 28.428, 28.429d, 28.430, 28.432, 28.432a, 28.432c, and 28.434), the title as amended and sections 9d and 10 as added by 1990 PA 320, section 1 as amended by 1992 PA 219, section 6a as amended by 1991 PA 34, and section 12c as added by 1992 PA 220, and by adding sections 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, and 5m; and to repeal acts and parts of acts.

Substitute (S-9).

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

1. Amend page 3, line 11, after "HAVE" by striking out "A" and inserting "AT LEAST 1 BUT NOT MORE THAN 3".
2. Amend page 3, line 12, after "LICENSING" by striking out "BOARD. THE" and inserting "BOARDS. EACH".
3. Amend page 3, line 20, after "(2)" by striking out "THE" and inserting "EACH".
4. Amend page 6, line 24, after "SCHOOL" by inserting "OR SCHOOL PROPERTY".
5. Amend page 6, line 24, after "'SCHOOL'" by striking out the balance of the line through "TERM" on line 25 and inserting "AND 'SCHOOL PROPERTY' MEAN THOSE TERMS".

6. Amend page 7, line 5, after "TO" by striking out "436.2302" and inserting "436.2303".

7. Amend page 7, line 5, after "436.2302." by inserting "THIS SUBDIVISION SHALL NOT APPLY TO AN OWNER OR EMPLOYEE OF THE PREMISES.".

8. Amend page 7, following line 7, by inserting:

"(F) AN ENTERTAINMENT FACILITY WITH A SEATING CAPACITY OF 2,500 OR MORE INDIVIDUALS.".

9. Amend page 7, line 8, after "IS" by striking out the balance of the subsection and inserting "RESPONSIBLE FOR A CIVIL VIOLATION GUILTY OF A CRIME AS FOLLOWS:

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

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

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

10. Amend page 9, line 11, after "Sec. 12a." by inserting "(1)".

11. Amend page 10, line 15, after "pistol" by inserting "IF THE STATE ISSUING THE LICENSE HAS STANDARDS FOR ISSUING A LICENSE TO CARRY A CONCEALED PISTOL THAT SUBSTANTIALLY CONFORM WITH MICHIGAN'S STANDARDS FOR ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, INCLUDING, BUT NOT LIMITED TO, A REQUIREMENT THAT THE LICENSEE BE NOT LESS THAN 21 YEARS OF AGE".

12. Amend page 11, following line 2, by inserting:

"(2) THE DEPARTMENT OF STATE POLICE SHALL ANNUALLY REVIEW ALL OTHER STATE STATUTES ON LICENSING TO CARRY A CONCEALED PISTOL AND SHALL MAINTAIN A LIST OF THOSE STATE'S STATUTES THAT SUBSTANTIALLY CONFORM WITH THIS ACT AS PROVIDED IN SUBSECTION (1)(F).".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4530, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, and 5o; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 3, line 3, after "SHALL" by inserting "ONLY".

2. Amend page 5, line 24, after "ANY" by inserting "FELONY OR".

3. Amend page 6, line 23, after "\$55.00" by striking out the balance of the line through "GREATER" on line 25 and inserting "BY ANY METHOD OF PAYMENT ACCEPTED BY THAT COUNTY FOR PAYMENTS OF OTHER FEES AND PENALTIES".

4. Amend page 8, line 11, after "MCL" by striking out "700.444" and inserting "700.444A".
5. Amend page 8, following line 18, by inserting:
 "(v) SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A."
6. Amend page 9, following line 2, by inserting:
 "(i) SECTION 625, 626, OR 904 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, 257.626, AND 257.904, WITHIN 15 YEARS BEFORE THE DATE OF THE APPLICATION.
 (ii) SECTION 7401 OR 7403 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 AND 333.7403.
 (iii) SECTION 602A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.602A.
 (iv) SECTION 625, 626, OR 904 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, 257.626, AND 257.904, FOR A SECOND TIME." and renumbering the remaining subparagraphs.
7. Amend page 9, following line 19, by inserting:
 "(vii) SECTION 145N OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145N (VULNERABLE ADULT ABUSE)." and renumbering the remaining subparagraphs.
8. Amend page 11, following line 12, by inserting:
 "(xxvi) SECTION 861 OF 1952 PA 45, MCL 752.861 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN INJURY OR DEATH).
 (xxvii) SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT)." and renumbering the remaining subparagraph.
9. Amend page 11, line 13, after "SECTION" by striking out "862" and inserting "2".
10. Amend page 11, line 16, after "SECTION" by striking out "863A" and inserting "3[A]".
11. Amend page 11, line 18, by striking out all of subparagraph (xxviii) and renumbering the remaining subparagraphs.
12. Amend page 11, following line 20, by inserting:
 "(xxix) SECTION 703 OF THE MICHIGAN LIQUOR CONTROL CODE, 1998 PA 58, MCL 436.1703 (MINOR PURCHASING OR POSSESSING ALCOHOL, OR PROVIDING ALCOHOL TO A MINOR)." and renumbering the remaining subparagraphs.
13. Amend page 11, line 21, after the second "A" by striking out the balance of the subparagraph and inserting "LAW OF THE UNITED STATES, ANOTHER STATE, OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (xxviii)."
14. Amend page 11, line 23, by striking out all of line 23 through line 27 and inserting "(xxii).
 (xxiv) A VIOLATION CHARGED AS A FELONY OR A CRIME ENUMERATED IN SUBPARAGRAPHS (i) TO (xxii), BUT SUBSEQUENTLY REDUCED TO OR PLEADED TO AS A MISDEMEANOR NOT ENUMERATED IN SUBPARAGRAPHS (i) TO (xxii)."
15. Amend page 11, line 25, after "TO" by striking out "(xxix)" and inserting "(xxvi)".
16. Amend page 11, line 27, after "TO" by striking out "(xxix)" and inserting "(xxvi)".
17. Amend page 12, line 17, after "HAS" by inserting "NOT".
18. Amend page 12, line 20, by striking out all of subdivisions (M), (N), (O), and (P).
19. Amend page 13, line 25, after "761.1" by inserting a comma and "OR A VIOLATION OF A LAW OF THE UNITED STATES OR ANOTHER STATE DESIGNATED AS A FELONY OR PUNISHABLE BY DEATH OR IMPRISONMENT FOR MORE THAN 1 YEAR".
20. Amend page 14, following line 6, by inserting:
 "(5) UPON ENTRY OF A COURT ORDER OR CONVICTION OF ONE OF THE ENUMERATED PROHIBITIONS FOR USING, TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING OR DISTRIBUTING A FIREARM IN THIS SECTION THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER THE ORDER OR CONVICTION INTO THE LAW ENFORCEMENT INFORMATION NETWORK. FOR PURPOSES OF THIS ACT INFORMATION OF THE COURT ORDER OR CONVICTION SHALL NOT BE REMOVED FROM THE LAW ENFORCEMENT INFORMATION NETWORK, BUT MAY BE MOVED TO A SEPARATE FILE INTENDED FOR THE USE OF THE COUNTY GUN BOARDS, THE COURTS AND OTHER GOVERNMENT ENTITIES AS NECESSARY AND EXCLUSIVELY TO DETERMINE ELIGIBILITY TO BE LICENSED UNDER THIS ACT."
21. Amend page 14, line 9, after "SHERIFF." by inserting "A SHERIFF MAY CHARGE A FEE FOR THE ACTUAL AND REASONABLE COSTS OF TAKING THE FINGERPRINTS, BUT NOT MORE THAN \$15.00."
22. Amend page 14, line 24, after "SHERIFF" by inserting "TO THE DEPARTMENT OF STATE POLICE WHO SHALL FORWARD THAT SET OF FINGERPRINTS".
23. Amend page 15, line 8, after "5E(4)." by striking out the balance of the line through "DESTROYED." on line 11 and inserting "THE DEPARTMENT OF STATE POLICE SHALL FILE THE FINGERPRINTS RECEIVED UNDER THIS SECTION IN THE NON-CRIMINAL FINGERPRINT FILES."

24. Amend page 15, line 11, after "DESTROYED" by inserting "EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 5A(6) AND 5E(4)".

25. Amend page 15, line 12, after "THIS" by striking out "SECTION" and inserting "ACT".

26. Amend page 16, line 21, after the first "LICENSE" by inserting "IF THE APPLICANT IS OTHERWISE QUALIFIED FOR A LICENSE".

27. Amend page 17, line 20, after "SECTION" by striking out "5C(1)(M)" and inserting "5C(2)".

28. Amend page 17, following line 23, by inserting:

"(2) IF THE CONCEALED WEAPON LICENSING BOARD DENIED ISSUANCE OF A LICENSE TO THE APPLICANT BASED UPON THE APPLICANT'S USE OF A CONTROLLED SUBSTANCE OR ALCOHOL, THE COURT MAY REQUIRE THE APPLICANT TO SUBMIT TO A CHEMICAL ANALYSIS OF HIS OR HER BLOOD, BREATH, OR URINE TO DETECT THE PRESENCE OF ANY CONTROLLED SUBSTANCES OR ALCOHOL. IF THE ANALYSIS INDICATES THE PRESENCE OF A CONTROLLED SUBSTANCE OR ALCOHOL, THE COURT MAY REQUIRE THE APPLICANT TO PAY THE COSTS OF THE ANALYSIS. IF THE ANALYSIS DOES NOT INDICATE THE PRESENCE OF A CONTROLLED SUBSTANCE OR ALCOHOL, THE COURT MAY ORDER THE CONCEALED WEAPON LICENSING BOARD TO PAY THE COSTS OF THE ANALYSIS." and renumbering the remaining subsections.

29. Amend page 19, line 13, after "BIRTH" by striking out "AND ADDRESS".

30. Amend page 24, line 11, after "SECTION" by inserting "AND THAT THE INDIVIDUAL SUCCESSFULLY COMPLETED THE COURSE,".

31. Amend page 25, line 3, after "SECTION." by inserting "THIS SECTION ALSO APPLIES TO INDIVIDUALS LISTED IN SECTION 12A(A) TO (F).".

32. Amend page 26, line 18, after the first "VEHICLE" by inserting "OR ANOTHER MOTOR VEHICLE IN WHICH HE OR SHE IS A PASSENGER".

33. Amend page 26, line 21, after "PISTOL" by inserting "OR ON A VESSEL IF THE PISTOL IS TRANSPORTED UNLOADED IN A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR THAT PISTOL".

34. Amend page 28, line 8, after "MCL" by striking out "333.7401" and inserting "333.7104".

35. Amend page 29, following line 27, by inserting:

"SEC. 5W. IF THE CARRYING OF A SPECIFIC PISTOL IS ILLEGAL UNDER ANOTHER STATUTE, IT IS NOT RENDERED LEGAL BY A LICENSE TO CARRY A CONCEALED PISTOL UNDER THIS ACT.".

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.

Point of Order

During the Committee of the Whole, Senator Cherry raised the Point of Order that the following amendment was not germane to Senate Bill No. 460 (S-9):

1. Amend page 2, following line 7, by inserting:

"Sec. 2. (1) Except as provided in subsection (2), a person shall not purchase, carry, or transport a pistol in this state without first having obtained a license for the pistol as prescribed in this section.

(2) A person who brings a pistol into this state who is on leave from active duty with the armed forces of the United States or who has been discharged from active duty with the armed forces of the United States shall obtain a license for the pistol within 30 days after his or her arrival in this state.

(3) The commissioner or chief of police of a city, township, or village police department that issues licenses to purchase, carry, or transport pistols, or his or her duly authorized deputy, or the sheriff or his or her duly authorized deputy, in the parts of a county not included within a city, township, or village having an organized police department, in discharging the duty to issue licenses shall with due speed and diligence issue licenses to purchase, carry, or transport pistols to qualified applicants residing within the city, village, township, or county, as applicable unless he or she has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this or another state or of the United States. An applicant is qualified if all of the following circumstances exist:

(a) The person is not subject to an order or disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the law enforcement information network pursuant to any of the following:

(i) Section ~~464a(1)~~ 464A of the mental health code, ~~Act No. 258 of the Public Acts of 1974, being section 330.1464a of the Michigan Compiled Laws~~ 1974 PA 258, MCL 330.1464A.

(ii) Section 444a(1) of the revised probate code, ~~Act No. 642 of the Public Acts of 1978, being section 700.444a of the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.444A.

(iii) Section ~~2950(9)~~ 2950 OR 2950A of the revised judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961, being section 600.2950 of the Michigan Compiled Laws~~ 1961 PA 236, MCL 600.2950 AND 600.2950A.

~~(iv) Section 2950a(7) of Act No. 236 of the Public Acts of 1961, being section 600.2950a of the Michigan Compiled Laws.~~

~~(v) Section 14(7) of chapter 84 of the Revised Statutes of 1846, being section 552.14 of the Michigan Compiled Laws.~~

~~(iv) (vi) Section 6b(5) of chapter V of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 765.6b of the Michigan Compiled Laws 1927 PA 175, MCL 765.6B, if the order has a condition imposed pursuant to section 6b(3) of chapter V of Act No. 175 of the Public Acts of 1927 THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B.~~

~~(v) (vii) Section 16b(1) of chapter IX of Act No. 175 of the Public Acts of 1927, being section 769.16b of the Michigan Compiled Laws THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.16B.~~

(b) The person is 18 years of age or older or, if the seller is licensed pursuant to section 923 of title 18 of the United States Code, 18 U.S.C. 923, is 21 years of age or older.

(c) The person is a citizen of the United States and is a legal resident of this state.

(d) A felony charge against the person is not pending at the time of application.

(e) The person is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f of the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931, being section 750.224f of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.224F.

(f) The person has not been adjudged insane in this state or elsewhere unless he or she has been adjudged restored to sanity by court order.

(g) The person is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(h) The person has not been adjudged legally incapacitated in this state or elsewhere. This subdivision does not apply to a person who has had his or her legal capacity restored by order of the court.

(i) The person correctly answers 70% or more of the questions on a basic pistol safety review questionnaire approved by the basic pistol safety review board and provided to the individual free of charge by the licensing authority. If the person fails to correctly answer 70% or more of the questions on the basic pistol safety review questionnaire, the licensing authority shall inform the person of the questions he or she answered incorrectly and allow the person to attempt to complete another basic pistol safety review questionnaire. The person shall not be allowed to attempt to complete more than 2 basic pistol safety review questionnaires on any single day. The licensing authority shall allow the person to attempt to complete the questionnaire during normal business hours on the day the person applies for his or her license.

(4) Applications for licenses under this section shall be signed by the applicant under oath upon forms provided by the director of the department of state police. Licenses to purchase, carry, or transport pistols shall be executed in triplicate upon forms provided by the director of the department of state police and shall be signed by the licensing authority. Three copies of the license shall be delivered to the applicant by the licensing authority.

(5) Upon the sale of the pistol, the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his or her name in ink indicating that the pistol was sold to the licensee. The licensee shall also sign his or her name in ink indicating the purchase of the pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol.

(6) One copy of the license shall be retained by the licensing authority as an official record for a period of 6 years. The other copy of the license shall be forwarded by the licensing authority within 48 hours to the director of the department of state police. A license is void unless used within 10 days after the date of its issue.

(7) This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, or to the sale, barter, or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols that are inherited if the license to purchase is approved by the commissioner or chief of police, sheriff, or their authorized deputies, and signed by the personal representative of the estate or by the next of kin having authority to dispose of the pistol.

(8) The licensing authority shall provide a basic pistol safety brochure to each applicant for a license under this section before the applicant answers the basic pistol safety review questionnaire. A basic pistol safety brochure shall contain, but is not limited to providing, information on all of the following subjects:

(a) Rules for safe handling and use of pistols.

(b) Safe storage of pistols.

(c) Nomenclature and description of various types of pistols.

(d) The responsibilities of owning a pistol.

(9) The basic pistol safety brochure shall be supplied in addition to the safety pamphlet required by section 9b.

(10) The basic pistol safety brochure required in subsection (8) shall be produced by a national nonprofit membership organization that provides voluntary pistol safety programs that include training individuals in the safe handling and use of pistols.

(11) A person who forges any matter on an application for a license under this section is guilty of a felony, punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(12) A licensing authority shall implement this section during all of the licensing authority’s normal business hours and shall set hours for implementation that allow an applicant to use the license within the time period set forth in subsection (6).

(13) AN INDIVIDUAL WHO PURCHASES A PISTOL AT A GUN SHOW SHALL HAVE THE SAME BACKGROUND CHECK PERFORMED FOR THAT PURCHASE AS IF HE OR SHE WERE PURCHASING FROM A LICENSED DEALER.”

The Chairperson, Senator Young, ruled that the amendment was not germane because it was an amendment by reference to an act regulating the sale of firearms.

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

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

- Senate Bill No. 460**
- House Bill No. 4530**
- Senate Bill No. 461**

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:

Senate Bill No. 460, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 10, 12, and 12a (MCL 28.430, 28.432, and 28.432a), section 10 as added by 1990 PA 320, and by adding sections 1a, 2a, 2b, 5a, 5g, 5m, 5r, 5s, 5t, and 5v; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 6, line 24, after the first “PROPERTY” by inserting “UNLESS THE INDIVIDUAL IS THE PARENT OR LEGAL GUARDIAN OF A STUDENT ENROLLED IN THE SCHOOL AND IS IN A VEHICLE ON SCHOOL PROPERTY FOR THE PURPOSE OF LEAVING THE CHILD AT SCHOOL OR PICKING UP THE CHILD FROM THE SCHOOL”.

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

Senator Emerson offered the following amendment:

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

“(F) AN INSTITUTION OF HIGHER EDUCATION UNLESS THAT INSTITUTION SPECIFICALLY PERMITS THE CARRYING OF CONCEALED PISTOLS ON THE PREMISES. AS USED IN THIS SUBDIVISION, “INSTITUTION OF HIGHER EDUCATION” MEANS A PUBLIC 2-YEAR OR 4-YEAR COMMUNITY COLLEGE OR UNIVERSITY.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 281

Yeas—17

Byrum	Gast	Miller	Smith, A.
Cherry	Hart	Murphy	Smith, V.
DeBeaussaert	Hoffman	Peters	Steil
DeGrow	Leland	Schwarz	Young
Emerson			

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator Peters offered the following amendment:

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

“(F) ANY PREMISES THAT IS CLEARLY POSTED WITH A SIGN DECLARING THAT THE CARRYING OF A CONCEALED PISTOL IS PROHIBITED ON THE PREMISES.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 282**Yeas—17**

Byrum	Hart	Murphy	Smith, V.
Cherry	Koivisto	Peters	Steil
DeBeussaert	Leland	Schwarz	Vaughn
Emerson	Miller	Smith, A.	Young
Gast			

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

The President, Lieutenant Governor Posthumus, assumed the Chair.

Senator V. Smith offered the following amendment:

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

“(F) ANY GOVERNMENT BUILDING EXCEPT THOSE THAT SPECIFICALLY PERMIT THE CARRYING OF CONCEALED PISTOLS ON THE PREMISES.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 283

Yeas—13

DeBeaussaert	Leland	Peters	Steil
Emerson	Miller	Smith, A.	Vaughn
Gast	Murphy	Smith, V.	Young
Hart			

Nays—25

Bennett	Emmons	Johnson	Schuette
Bullard	Goschka	Koivisto	Schwarz
Byrum	Gougeon	McCotter	Shugars
Cherry	Hammerstrom	McManus	Sikkema
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss			

Excused—0

Not Voting—0

In The Chair: President

Senator Peters offered the following amendment:

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

“(F) ON OR WITHIN 100 YARDS OF A PLAYGROUND.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 284

Yeas—15

Cherry	Goschka	Murphy	Steil
DeBeaussaert	Hart	Peters	Vaughn
Emerson	Leland	Smith, A.	Young
Gast	Miller	Smith, V.	

Nays—23

Bennett	Emmons	Koivisto	Schwarz
Bullard	Gougeon	McCotter	Shugars
Byrum	Hammerstrom	McManus	Sikkema
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	

Excused—0**Not Voting—0**

In The Chair: President

Senator Peters offered the following amendment:

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

“(F) A PLAYGROUND.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The Senators being equally divided (yeas 19; nays 19), the Lieutenant Governor voted “yea.”

The amendment was adopted, 19 members serving and the Lieutenant Governor voting therefor, as follows:

Roll Call No. 285**Yeas—19**

Byrum	Goschka	Peters	Steil
Cherry	Hart	Rogers	Van Regenmorter
DeBeaussaert	Leland	Schwarz	Vaughn
Emerson	Miller	Smith, A.	Young
Gast	Murphy	Smith, V.	

Nays—19

Bennett	Emmons	Johnson	Schuette
Bullard	Gougeon	Koivisto	Shugars
DeGrow	Hammerstrom	McCotter	Sikkema
Dingell	Hoffman	McManus	Stille
Dunaskiss	Jaye	North	

Excused—0**Not Voting—0**

In The Chair: President

Senator Dunaskiss moved to reconsider the vote by which the amendment offered by Senator Peters was adopted.

The question being on the motion to reconsider,

Senator Dunaskiss moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senator Peters offered the following amendments:

1. Amend page 7, line 8, after “(2)” by inserting “EXCEPT AS OTHERWISE PROVIDED;”.
2. Amend page 7, following line 10, by inserting:

“(3) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1)(A) IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.”.

The 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. 286

Yeas—15

Byrum	Gast	Murphy	Smith, V.
Cherry	Hart	Peters	Vaughn
DeBeaussaert	Leland	Schwarz	Young
Emerson	Miller	Smith, A.	

Nays—23

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

Excused—0

Not Voting—0

In The Chair: President

Senators Schwarz and V. Smith offered the following amendment:

1. Amend page 7, line 1, after “(B)” by striking out the balance of the line and inserting “A PUBLIC OR PRIVATE DAY CARE CENTER, PUBLIC OR PRIVATE CHILD CARING AGENCY, OR PUBLIC OR PRIVATE CHILD PLACING AGENCY.”.

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

Senator A. Smith offered the following amendment:

1. Amend page 6, line 2, by striking out “PROVIDING” and inserting “THAT PROVIDED”.

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

Senator McManus offered the following amendment:

1. Amend page 7, line 6, after “(E)” by striking out the balance of the subdivision and inserting “ANY PROPERTY OR FACILITY OWNED OR OPERATED BY A CHURCH, SYNAGOGUE, MOSQUE, TEMPLE, OR OTHER PLACE OF WORSHIP, UNLESS THE PRESIDING OFFICIAL OR OFFICIALS OF THE CHURCH, SYNAGOGUE, MOSQUE, TEMPLE, OR OTHER PLACE OF WORSHIP PERMIT THE CARRYING OF CONCEALED PISTOL ON THAT PROPERTY OR FACILITY.”.

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

Senator Jaye offered the following amendment:

1. Amend page 6, line 24, after the first “PROPERTY” by inserting “EXCEPT THAT A PARENT OR LEGAL GUARDIAN OF A STUDENT OF THE SCHOOL IS NOT PRECLUDED FROM CARRYING A CONCEALED PISTOL WHILE IN A VEHICLE ON SCHOOL PROPERTY, IF HE OR SHE IS DROPPING THE STUDENT OFF AT THE SCHOOL OR PICKING UP THE CHILD FROM THE SCHOOL”.

The question being on the adoption of the amendment,

Senator Jaye requested the yeas and nays.

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

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

Roll Call No. 287**Yeas—21**

Bennett	Emmons	Koivisto	Rogers
Bullard	Gougeon	Leland	Schuette
Byrum	Hoffman	McCotter	Shugars
Cherry	Jaye	McManus	Sikkema
Dingell	Johnson	North	Stille
Dunaskiss			

Nays—16

DeBeaussaert	Hammerstrom	Peters	Steil
DeGrow	Hart	Schwarz	Van Regenmorter
Gast	Miller	Smith, A.	Vaughn
Goschka	Murphy	Smith, V.	Young

Excused—0**Not Voting—1**

Emerson

In The Chair: President

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Peters.

The question being on the motion to reconsider the vote by which the amendment was adopted,

On which motion Senator Peters requested the yeas and nays.

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

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

Roll Call No. 288**Yeas—23**

Bennett	Emmons	Johnson	Schuette
Bullard	Goschka	Koivisto	Shugars
DeGrow	Gougeon	Leland	Sikkema
Dingell	Hammerstrom	McCotter	Stille
Dunaskiss	Hoffman	McManus	Van Regenmorter
Emerson	Jaye	North	

Nays—15

Byrum	Hart	Rogers	Steil
Cherry	Miller	Schwarz	Vaughn
DeBeaussaert	Murphy	Smith, A.	Young
Gast	Peters	Smith, V.	

Excused—0**Not Voting—0**

In The Chair: President

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 289**Yeas—19**

Byrum	Goschka	Peters	Steil
Cherry	Hart	Rogers	Van Regenmorter
DeBeaussaert	Leland	Schwarz	Vaughn
Emerson	Miller	Smith, A.	Young
Gast	Murphy	Smith, V.	

Nays—17

Bennett	Gougeon	Koivisto	Schuette
Bullard	Hammerstrom	McCotter	Shugars
DeGrow	Jaye	McManus	Sikkema
Dingell	Johnson	North	Stille
Emmons			

Excused—0**Not Voting—2**

Dunaskiss

Hoffman

In The Chair: President

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

Senator Emmons offered the following amendment:

1. Amend page 7, line 3, after "(D)" by striking out the balance of the line through "HOLDER" and inserting "A DINING ROOM, LOUNGE, OR BAR AREA OF A PREMISES".

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

The question being on the passage of the bill,

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

Roll Call No. 290**Yeas—26**

Bennett	Dunaskiss	Johnson	Rogers
Bullard	Emmons	Koivisto	Schuette
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Stille

DeGrow
Dingell

Hoffman
Jaye

North

Van Regenmorter

Nays—12

Emerson
Gast
Hart

Leland
Murphy
Peters

Schwarz
Smith, A.
Smith, V.

Steil
Vaughn
Young

Excused—0

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Protests

Senators Schwarz, Gast, Steil and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 460 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Schwarz’s statement is as follows:

The whole thrust of this bill is the concealment of handguns, and there’s no amount of window dressing that can disguise that fact. The bill is ill-conceived, ill-thought out, and not needed. Concealment is concealment. It makes no sense whatsoever. If you believe the absurd and patently oxymoronic aphorism—that an armed society is a polite society—you believe in something that never was and never will be. The fact that the Senate is even considering this bill and the following bill is proof positive that people in responsible positions are more than capable of behaving irresponsibly.

Senator Gast’s statement is as follows:

I just feel compelled to make some remarks. I am not going to be voting for Senate Bill No. 460, and my experience tells me that if we were fixing a bill, as one of the previous speakers said, we would then go ahead and try to rejuvenate our county gun boards to make them standardized across the state. They’d all have the same function, the same MO, and they would do the job in a uniform, professional way. We aren’t attempting to do that. For proof of that, we look at the origin, for instance, of Senate Bill No. 460, and that was “thou shall issue” to the Secretary of State for everybody except a convicted felon. That’s what we started out with, and after we cut down 40 acres of trees to make amendments here, why, we now have a greatly modified bill.

My experience tells me that many times when things happen like that, you tend to—well, we can’t get it all, so we’ll take what we can get. We will then take our time and take that square object and knock off the corners and keep getting the corners off and pretty soon the darn thing is round, and you can roll it. And then we’ll get back to our original bill. That’s what it looks like is being fashioned here.

Now we will, in time, roll back some of the provisions that we enact today, and it’s going to pass. There’s no question of that, but I think we want to recognize, too, that we’re going to retreat and go back to that position of what we once sought originally.

Now I would say this, and this is just a little bit of personal thing, and I’ll end up with a smart remark, but I am a member of the NRA. I’ve got a permit to carry in my pocket. I do so when I go up North deer hunting, and it’s the only time I carry—or pack, as the common word is—but I’ve got reason to. I want to tell you that reason. The drug forfeiture and seizure act was my bill. There’s been seven threats on my life, and from the colonel of the State Police to the captain to the sheriffs and so on, they said I should carry.

I don’t know what the excuse of others is, but there should be a reason to carry. I don’t think it should be indiscriminate. Now what I’m suggesting here and the bottom line being—and I go back to Representative George Montgomery, my mentor in the House Taxation Committee, whom I have an awfully lot of respect for when he said, “When you get in a tight situation like this, always remember you can’t make a silk purse out of a sow’s ear.”

Senator Steil's statement is as follows:

In the eight years John Engler has been Governor, crime in Michigan has plummeted. Today, crime is at a 30-year low—a 30-year low! Members here on both sides of the aisle, Democrats and Republicans, have worked together to take back our communities from the criminals and thugs who used to terrorize our families. This body has passed over 300 tough anti-crime bills during the past eight years. By any measure, we have done a good job. Michigan is a far safer place to live than it was just eight short years ago.

As my favorite Governor likes to say, "Promises made, promises kept." And yet, despite our dramatic progress, today we are considering legislation to arm our citizens, to put an additional 200,000 to 300,000 guns on the street. Why, given our low and still declining crime rate, must we take such a radical step to combat what can only be described as a phantom menace? The policies of Governor Engler are working. The policy of this body is working. There is no need for this legislation. Law enforcement organizations oppose it, religious leaders oppose it, community and sports groups oppose it, and most importantly, our citizens oppose it. They recognize what should be obvious to us all: local safety issues are best described locally by local law enforcement officials answerable to local residents. This bill, one-size-fits-all mandate, imposes on communities a rigid standard for issuing CCW permits that makes no distinction between urban and rural areas. This is the wrong bill at the wrong time for all the wrong reasons. I urge my colleagues to vote "no."

Senator A. Smith's statement is as follows:

I intend to vote "no" on Senate Bill No. 460.

We need an equalizer. You know, what I hear in this chamber is an expression of fear and paranoia. If that's the basis on which we are going to be issuing more concealed weapons, I think we are putting a society in grave danger. I don't think we need an equalizer. I think we need something that will calm us down, something that will cause us to reflect. When my constituents tell me that they need to carry a concealed weapon because they are afraid of "them," I happen to know who "them" is. "Them" are people who look like me or a little darker, and they are young black men, who when people who feel they need concealed weapons walk down the street think they need to protect themselves from "them," even though there may be no hostile intent.

We talk about needing weapons, and yet so many people have moved from the cities out to the suburbs. Apparently, you've taken that thing that you fear with you because you're building guns into your suburban communities. We are pretending that we are going to do something that is more controlling than we currently have, and we will instead be licensing 200,000 to 300,000 people to carry weapons—people who are afraid without reason—and we are going to feed their fear.

Gun boards have been indeed subjective in issuing carry permits. But these are elected officials who are responsive to their communities, and if they didn't reflect what their communities chose to have as an outcome, then they would be removed. It would become an issue of such merit and such weight that they would remove them from office. We don't have mentally ill people carrying weapons in this state, and we could. We don't have 18-, 19- and 20-year-olds carrying pistols under concealed weapons in this state, and we could. But we don't because the gun boards have discretion and they use it and we call it subjectivity. We are concerned about protecting the men and the women who are doing everything right because they don't feel safe. Well, with 300,000 new weapons on the street, I'm not going to feel any safer today than I did yesterday. I urge you to reject the bills before us and to vote "no."

Senators Schuette, Jaye, Hart, Dingell, Goschka, McCotter, Rogers, Dunaskiss, Shugars, Emmons, and McManus asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schuette's first statement is as follows:

Clarity on the issues that we're debating this afternoon is very essential when we talk about this process and what we're attempting to do today.

I'd ask all my colleagues to imagine a state with a law that is a patchwork quilt in the approach on how you issue a permit to carry a concealed weapon. Imagine a state that is so porous in its system that background checks are so weak that someone with a mental illness or someone who's had a history of spousal abuse could get a permit to carry a concealed weapon. Imagine a state like that with a law like that.

Imagine a state with a law that is so haphazard that in some counties it might be easy come, easy go in getting a permit, and in other counties it is so restrictive that Second Amendment rights are hammered; lawbreakers get the permits and those we wouldn't want having a permit, and honest, law-abiding citizens are denied.

Imagine a state where there's inadequate training in this process of applying for issuance of a permit to carry a concealed weapon. Imagine a law where teenagers could get a permit to carry a concealed weapon. Well, good afternoon! The state is Michigan, and the law is the current statute today. That's why we're here today.

Now, mind you, this issue—and to be sure—has been complicated by the sadness of Littleton and Columbine, shootings in Atlanta, problems with bomb scares in Michigan, and the horrible challenge in Port Huron. I wish today we could pass a law, we could implement legislation where we could guarantee the safety of everybody. I wish we could pass a law that would provide 100 percent compliance in the things we do. I wish we could pass a law that would mandate security for families and children in playgrounds and single women going from a university setting to a parked

car. I wish we could pass a law that would require all of us to help people who feel alienated or alone or troubled, and I wish we could pass a law that would change hearts. Unfortunately, we can't do that, but we all have responsibilities in churches, in civic groups and our neighborhoods and our families to help and nurture and shape better lives and try to build a more civil and more tender and a more compassionate society.

What we are trying to do today in our professional capacity as legislators is to try to put into place a consistent and uniform approach throughout the state of Michigan. No more patchwork quilts. No more haphazard approach trying to fill in the gaps. No more porous approach to getting a permit. What we're saying is we're going to put an end where practices in getting a permit are loose, and rather, we're going to put in a tough and responsible approach where standards must be met, and if you don't meet those standards, you're out of luck.

What it means is if you have a history of mental illness, you're out of luck—no permit. If you have a history of spousal abuse, you're out of luck, no matter where you might live. If you have a felony conviction, not in Michigan will you get a permit to carry a concealed weapon. If you're a teenager, we're going to say, "No, you cannot get a permit to carry a concealed weapon." No more high school students who might be able to slip through the cracks under today's statute. We're saying "no." We're filling the gap. Plus, we're giving enough discretion for a sheriff in a county by maintaining local gun boards that if there are people on the fringe who are a danger to themselves or other members of a community and the public, those on the fringe of the law—thumbs down as well in Michigan.

We're putting into place a tough and responsible system of laws in the state of Michigan. Standards will be tough and high so that lawbreakers can't slip through, and we are protecting and upholding Second Amendment rights for law-abiding citizens in Michigan.

I urge adoption of this legislation. I'm glad that MUCC and a huge sporting group is for this. That's an important aspect, as well, may I add. I'd urge adoption of this legislation and the companion statutes as well.

Senator Schuette's second statement is as follows:

We should defeat this amendment.

I think this is the issue here: It's close to midnight. You're in the physics lab. The Ph.D. candidate is leaving the university or the college, an institution of higher learning. It might be a man; it might be a woman. The woman is leaving the physics lab going to the parking lot. Shouldn't she or he have the ability to protect herself or himself if it might be in a rough part of town or problems occur in good parts of town? The point is—shouldn't that woman or man have that ability late at night working on a project, studying this or that? Let that person have that right if he or she chooses to have a concealed weapon.

We should vote "no" on the Emerson amendment.

Senator Jaye's statement is as follows:

Mr. President and Senate colleagues, this responsible gun ownership legislation restricts the number of people who can get a concealed carry permit while providing more safety in Michigan. Those who oppose this legislation and those who want to petition drive to overturn this legislation are in favor of keeping the current process that allows 18- and 20-year-olds to get a CCW permit. This bill prevents it.

Current law doesn't have any training requirements; this bill has training requirements. Current law allows convicted felons to get a CCW permit; this bill prohibits convicted felons. Current law allows these gun boards to give a CCW permit to people with a mental illness; this bill prohibits it. Current law allows people with records of violent misdemeanors to get a CCW permit; this bill prevents it. Current law allows foreigners, people who aren't even U.S. citizens, to carry concealed in Michigan; this law prevents it. Current law allows people who are convicted of domestic abuse to get permits; this law does not allow it. Current law allows people who carry concealed without a license—law enforcement, conservation officers, Department of Corrections and the military—to be intoxicated while carrying concealed; this bill does not allow that.

This bill puts in safeguards for the community, and it ends the abuse of political favoritisms, the political payoffs, of the elitist system of the current gun board.

Some people are asking, "Why do you need a law to allow law-abiding people to defend themselves and their family?" The Constitution not only of the United States, but also of Michigan, Article 1, Section 6. The Constitution is a contract. It says here in Michigan, Article 1, Section 6, "Every person has the right to keep and bear arms for the defense of himself and the state."

This is also a human right—the most important human right to defend yourself and your family, particularly in consideration of the U.S. Supreme Court rulings time after time that the police have no legal responsibility to intervene, to stop a violent crime, or a violent criminal from brutalizing you or your families, so you should have that right to be able to defend yourself because police who do a superb job can't be at every shopping mall. They can't be at every restaurant. They can't be in every neighborhood in our great state.

I have respect for those who have a difference of opinion. However, those opponents have used a motion. In this debate today and the debate in the 11 years I've been a legislator, not once have I gotten evidence where people who have gone through all the effort, met all the criterion, and met all the standards to carry a concealed pistol have been

a problem. In fact, CCW permit holders in 31 states consistently have lower crime rates, lower violation rates than the public at large and even police officers. Thirty-one states allow law-abiding people to carry a concealed pistol.

In Florida, the law works so well that the predatory criminals found out that the former easy targets and the soft targets were fighting back—the seniors, the handicapped, the young moms with kids. So the Florida criminals were targeting tourists. They were hanging around rest areas, targeting the airports and targeting rental cars. The Florida Legislature was worried that they'd lose tourist revenues, so the Florida Legislature passed a change in the Florida CCW bill that allows any U.S. citizen to be able to carry a concealed pistol in Florida if they're over 21, passed an FBI criminal background check, and document gun proficiency.

So my question to my colleagues who are going to be voting against this is if the Florida Legislature trusts Michigan residents to carry concealed in Florida today, why don't you? Why don't you?

Carrying a concealed pistol is a way to enable law-abiding people to enjoy the fruits of liberty and to be able to enjoy the quality of life. This is an improvement. I'm grateful for the opportunity for a chance to vote on this legislation, and I hope that we'll be able to promptly pass this and the companion bills, and then send it to the Governor.

Senator Hart's statement is as follows:

I'm going to vote "no" on the concealed weapons bill because it sends the wrong message to young people, and this is not the time. The Colorado high school tragedy was followed a month later by yet another shooting in a Georgia high school. We are appalled by these school shootings, and we try to comfort our terrified children by telling them that we will do everything in our power to keep them safe. Then you put before us legislation to put more guns on the streets. Letting people carry weapons in their shoulder holsters is no way to improve public safety. Can you imagine when a businessman puts a sign in his window that says, "No shirt, no shoes, no service," but what does he say when you carry a gun in there? He says nothing! That's ludicrous. It's a mockery.

It's common sense. Making it easier to carry guns only makes it more likely that people will use them, and you know that. Thousands of people now carry concealed weapons. It's estimated that with legislation, hundreds of thousands of people will be carrying concealed weapons within a few years. You're going to live with that. I won't because I'm not going to vote for it.

Our children will not feel any safer knowing that there are more, not less, weapons on the streets. They will not feel any safer knowing that more parents, not fewer, now keeping guns in their homes within easy reach of a troubled child. Carrying a concealed weapon is not the answer to the violence we see in our schools and neighborhoods. In the interest of public safety, I will vote "no" on the concealed weapons bill.

Senator Dingell's first statement is as follows:

To the question raised by my friend and colleague from the 11th District, Senator DeBeaussaert, under our Constitution, the ownership of land is taught in law school as being like a bundle of sticks—each one of those sticks in that bundle is an incident of ownership, and you have a lot of them. One of the incidents of ownership is to exclude persons of your choosing from the enjoyment of that land.

The only way the government, any level of government, can take away one of those incidents of ownership is to condemn it and pay for it or for you to agree to sell it to government. Since in the case of libraries or any lower level of government, we haven't done that, then we can't take away that incident of ownership. Therefore, they still have all those incidents of ownership, and local governments regularly do prohibit persons from bringing firearms onto property now. All you have to do is visit any court in the state, and you'll see the signs up there. You violate the wishes of that court at your peril because not only are you subject to the kind of civil and criminal trespass sanctions that I've spoken of, but also there's always room in jail for people who commit contempt of court.

Senator Dingell's second statement is as follows:

There have been a lot of persons in opposition to this legislation who claim that it has nothing to do with persons who are hunters or target shooters or gun collectors who don't physically carry a pistol under their clothes. I've explained earlier today how that's hogwash. It has everything to do with those persons. Because of the fact that Bill Faust urged me years ago to actually read statutes that were in the area of the committees I've been assigned to serve on, I did so, and I know different.

Because of my concern in this area, about six years ago I started to look into how concealed weapons permits and permits to just purchase a pistol were issued, and at every turn, I've been horrified with the current system. Under the current system, local police, when someone asks to purchase a pistol, gun boards, when someone wants to carry a pistol or just have the permit to carry, which allows them to do well more than carry a pistol—it allows them to, in many cases, just carry a rifle in the back end of their car, I found that there was only one database used by the police and the gun boards. That one database only had in it information on felonies and warrants—no others. There are lots of firearm disabilities, and apparently, the gun boards didn't care.

Well, in quick order, I introduced legislation which got databases established for all the other status-established firearm disabilities—those involuntarily committed, incompetent to handle their own affairs, persons who have been convicted of domestic violence, and other persons who have been ordered by a court to divest themselves of firearms.

Recently, I've been checking into whether the gun boards have been using them. It shouldn't have surprised me to find out that they're not using them.

I looked into the one database that the gun boards had available to them, and the local police had to pass on permits to carry and permits to purchase pistols. I found out when looking into the quality of the data that in 2-year-old felonies, only 62 percent of the felons had been entered, and the other 38 percent were lost. Now this database is available for checking on doctors, lawyers, pharmacists, teachers, school bus drivers, you name it. Nobody seemed to care about doing a good job, except me. So after what Senator Schwarz would describe as a gluteal resection, the Law Enforcement Policy Network Council got it up to 88 percent.

Now in passing on concealed weapons permits, gun boards talk about how they not just do a background check, and I know that's a lot of hogwash. They don't do that. They're also supposed to look into the need of applicants and give them out based upon that need. And it's hard to check into that because the Freedom of Information Act really prevents serious statistical compilation. However, it wasn't hard at all to find no end to cases where at gun board meetings, they issued permits to the select few on no showing of need whatsoever, and yet everyone else was told, "You won't get a permit regardless of how compelling the showing you make." They aren't making any serious inquiry into a showing of need.

I think that any person, whether they're a big "D" Democrat or a little "d" Democrat would be offended by this kind of system.

Over the time I've been thinking about the concealed weapons process, I've been thinking about what kind of process do I believe in? Being a Populist, I believe in trusting people of demonstrated good character who have shown that they're well-trained who have also shown that they're well-informed as to what the law is and the law's requirements on them. This bill will set up that kind of system. The current state of affairs is an outrage to anyone. I recommend this legislation to my colleagues.

Senator Goschka's first statement is as follows:

As you well know, this bill is simply about granting law-abiding citizens the right to carry concealed weapons. In a nutshell, that's what the entire matter is all about.

Our Founding Fathers saw fit to give us the Second Amendment. It affords law-abiding Americans the right to "keep and bear arms." That's what it says. Not only is this found in the Constitution, but more importantly, it is inherent in the Bill of Rights. Any way you and I cut it, when we look at the words in the Constitution and the Bill of Rights, law abiding citizens have the right to keep and bear arms. The Constitution and the Bill of Rights demand that we support this package of bills.

No one talks about criminals who are walking our streets daily with guns in their possession, illegally, preying upon citizens who are innocently going about their everyday tasks, unaware of the fact that they are soon to become prey to somebody else. Perhaps we should pass a law, today yet, that would at least demand that those criminals who carry concealed weapons should at least expose them. But then, we all laugh at that because it's rather facetious. But for law-abiding citizens who truly want to protect themselves, as the Constitution and the Bill of Rights affords, this is a most serious issue. How can we look the other way when the Constitution—that great document which is more than 200 years old—speaks so clearly to us yet today?

There are those who would like to bring some of the recent events in our nation to this issue. I would say to you that there are a number of issues we could talk about to that—the violence in music and on TV, the talk shows—there's so much in our society today, where you and I have seen our society slowly ebb away. In the country that we've known, this great country, we've seen people give away personal responsibility in the name of the First Amendment. They can do anything they want. But I think it all began when we threw out values in 1962 when we said there could no longer be prayer or Bible reading in our public schools.

These are two separate issues, and let's remember that. But to the latter, I would simply say this: When we as a country and as a people will take a stand once again—to give our young people a sense of direction and bring back true genuine morals to our country—we'll continue to see a wayward youth. But to the former, which is far separate, dealing with this very issue today, I would say to every one of my colleagues that as you vote on this issue, and I understand the emotions that run very strong, but let's look at the document. Let's look at what our Founding Fathers gave us—a Constitution and a Bill of Rights that demand that we stand up today and defend and endorse what they wrote more than 200 years ago.

Senator Goschka's second statement is as follows:

I do appreciate your indulgence to address this a second time, but there is another aspect of this. I think it is very important that we understand what is before us today.

Today, you can be 18, 19 or 20 years old and be in high school and still have the right to have a CCW. This package of bills restricts that. Today, you can walk into a high school if you have a CCW with a gun. This bill says "no." Under current law, you can be convicted of a violent misdemeanor or even a felony. This package of bills says you can't do that. Under current law, you can be convicted of domestic abuse. This package of bill says you can't do that. Current law says you don't have to have any safety training. These bills say you cannot push that apart—you must, indeed, have safety training. You don't have to be a citizen of the United States to get a CCW today. This package of bills says, yes, you do.

As we vote on this, I hope we all understand that these bills actually tighten gun laws in the state of Michigan to ensure that the wrong people don't get the guns. I think that is very important as we vote and understand the new regulations that are actually being placed on the CCW and those who would put in for such a registration.

Senator McCotter's statement is as follows:

We are faced in a situation today, under current statute in the state of Michigan, whereby conscientious members of a gun board are forced to break a bad law to try to protect the public. Now any situation where a law is so bad it makes good people break it—that situation has to be changed. What we have endeavored to do through the reform of the existing process is to stop 18-year-olds from ever having a chance to get their hands on a concealed weapons permit. We have tried to stop mentally ill people from getting their hands on a concealed weapons permit. We have tried to stop people who engage in domestic abuse from getting a concealed weapons permit. We have tried to stop people who are untrained from getting a concealed weapons permit, which they currently can under the existing statute. It would seem to me to be the height of your responsibility. With all due respect to the earlier abstruse analysis of the situation from the Senator from the 24th District, it would be the height of your responsibility for us not to change a law that anyone with an iota of common sense would find not only idiotic, but endangering the public will here in the state of Michigan.

What we have done today, despite the demagogue of appeals of others and those who would in a tawdry fashion politicize the death of children, is try to take a responsible step towards making Michigan a safer state. I think we will have accomplished that goal, and there come times when you have to buck the popular wisdom to impart the truth and engage in responsible lawmaking. I commend my colleagues for doing that today.

Senator Rogers' statement is as follows:

This is an emotional issue for all of us, I think, and when I look at an issue like this and I look at what's going on around the country, these are the kind of issues where I have to look into my children's eyes and know if I'm doing the right thing. I take my daughter to soccer practice; I take her to ballet, and if you've seen me practice with her, Mr. President, you would know how humorous that can be. I take them to the Imagination Station on Sundays so that we can play in the park. And I think, are we doing the right thing by my children, let alone every child in the state of Michigan? If I stood this Sunday, before this bill goes into law, and looked around that playground, I would know right now that an 18-year-old who had a mental illness could qualify under today's CCW permits in the state of Michigan. But if this bill passes, that wouldn't be so.

I know the fears my wife has sometimes when we talk about the different bomb threats right here in our own districts in the state of Michigan and the concerns we have of the safety of our children—if they can walk in those school doors and be safe. I think, gee, if I did that on Monday, could someone walk into that school with a concealed weapon permit? Today, they could. If we pass this law, they could not. There are some great provisions in there to protect my children and all of the children of this great state. That's what this is all about; this is about our kids and our safety. The standards here have risen under this bill. I know they won't say that, and that's not what the headlines will read, but that, in fact, is the truth and the reality. I know that after today's vote, I can look my kids in the eye and know for sure that I have caused them no harm, no ill and any less safety in playing in the park, us going to ballet, and us taking her to soccer practice. That's what this is about. It's about protecting our kids and the women and the men of this state who are living by the rules and doing everything right.

Senator Dunaskiss' statement is as follows:

Let us not forget what we are doing here today. Today, we are fixing a terribly flawed system—a system that allows certain privileged people to get a concealed weapons permit but not the average, law-abiding individual. Today, we're setting standards. Today, we're taking the guns out of the 18-, 19-, 20-year-olds' hands. We're giving and mandating training. We are not allowing felons to get concealed weapons permits. People who have a mental illness today can get a CC permit. Today, we're fixing this terribly flawed system as well as protecting our Second Amendment rights, which is very important to everyone in this room. It should be.

So if you believe in controlling weapons, then "yes" is the right vote on this bill.

Senator Shugars' statement is as follows:

I rise in support of this legislation. What I want to share with my colleagues is, first of all, we are all deeply concerned about the violence in our society today. Specifically, we're concerned about the violence and hatred in our schools as demonstrated in the last few months. The recent events are not being committed by individuals with CCW licenses. What is at the heart of this violence is the motives of the people and the young people who act out in such destructive ways. The issue isn't simply access to guns because if it's not guns, they could use pipe bombs. And if it's not pipe bombs, they could use baseball bats. And if it's not baseball bats, they could use some sort of chemical mix. And if it's not some type of chemical mix, they could use knives. The list goes on and on. There's an endless, open imagination of the person who has the idea to hurt other people. The bottom line to reduce violence and hatred is to touch the hearts, the souls and the minds of the young people, and that is where the solution to this problem is. What

we are doing today is providing safety guidelines which are not in the current laws, which prohibits minors under 21 years old.

Let me share a personal story with you. When I was in college working for my dad at a party store and M-43 was being constructed to five lanes so it was down under construction and the traffic in the store was very low, this person came in with a nylon sock over his head. He had a pistol, and he put the pistol to my head, and he asked me to give all the money in the cash register to him. I'll tell you, I was so scared! I thought I was going to be shot—that I was going to die. I gave him everything. He asked me for my car keys, and I gave him my car keys. At this time, there was no one in the party store, and we went in the back room, and he asked me to turn around. I knew he was going to strike me in the head or shoot me. Thank God that he didn't, but he did go out the back door. It's a sliding door, and he took my car keys. I was shaking. By then, some people started coming into the back, and I could see them, and I was like this. They were looking at me strangely. He started the car up, and he tried to put it into gear. He kept banging the gears, and he couldn't get it into gear. So now I'm just petrified because I think he's going to come back into the store. He didn't. To make a long story short, the State Police brought out the dogs and went after him, and he did commit suicide accidentally. He was big into drugs, and he played Russian roulette with the same gun he used on me. Had one of those customers had a CCW license, maybe they could have made a difference. I was lucky, by the grace of God, nothing happened.

But we are going to make sure that under the CCW licenses that minors between 18 and 21 will not be able to get those permits. Felons, people who have demonstrated that they are not worthy to have a CCW, will not be able to get those CCW licenses. We all know that felons can get guns. People who are criminals use guns to hurt other people, and so we know all the laws are not working because their hearts are hardened. It prohibits convicted domestic abuse charges so people who have had difficulties with that could not get a CCW. It prohibits anyone with a history of mental illness. And it goes on and on and requires training. So I believe the uniform provisions are necessary and are a big, big improvement from the current system. I urge my colleagues to vote for these bills.

Senator Emmons' statement is as follows:

There are women walking around Michigan right now with targets on them. Predators, criminals—they think we're easy prey, and often we are. The State Constitution has a provision that empowers us. It says, "Every person has a right to keep and bear arms for the defense of himself and the state." This right is especially important for women.

Women who are law-abiding citizens should be able to avail themselves to this guarantee our Constitution provides. We need to protect ourselves when we're alone in our homes and in our cars and when we're walking. I know a lot of you in here don't understand that, but I do.

One young woman who was walking to her car in a parking lot was attacked by a predator. He threw her in the trunk, and he put her purse in with her. She had a licensed gun. When the guy opened up the trunk, she was no longer his victim or his prey. She was in charge. It probably saved her life.

I had a senior in a really small town who had a bar. Every time the bar let out, the drunks came to her house and stood in her yard threatening her, taunting her. The police weren't within 25 miles of her. Well, she got a gun, and they didn't come back again.

Another story was in a Louisiana paper, and it says, "Her clothing was torn. There were scratches on her chest, but the woman attacked the would-be midnight carjacker." She managed to reach under the driver's seat for her pistol. She became a woman empowered. That's what I see in the right to carry bill because I think too many gun boards looked at us and said, "Oh, she's too much of a woman. She can't make any decisions like this, and we certainly can't give her a gun. It would be unsafe." Well, let me tell you. In this time and this place in this kind of society, we need an equalizer. Frankly, we are guaranteed that if we're law abiding, we ought to be able to have one, and that's what this bill does—makes an equal playing field for law-abiding men and women.

Senator McManus' statement is as follows:

I want to take just a little bit different tact and support this bill.

Thank God that I was born in America. And thank God that the ancestors of ours had the presence of mind after they beat the bloody British in 1775 to put into the Constitution of the United States the Second Amendment.

Now every night we go home and watch our television, and what do we see? We see millions of Kosovars being kicked out of their country and being driven to a foreign land. The Kosovar were law-abiding people without guns. Thank God that our forefathers believed in a well-rounded militia and the right of us as Americans to carry guns. Kosovars were unable to protect themselves from the monsters who drove them out of their country. You take a look on the television at those women and children who are coming out of that country by the hundreds of thousands, and then you think about where are the men? I think we'll find out when this thing is all over that there were hundreds of thousands of them shot because they had no protection. They were law-abiding citizens without guns. Thank God I'm an American.

We have taken a rather myopic view here today—it's a good view—on a state piece of legislation, but let's remember the bigger picture. The Constitution of the United States guarantees Second Amendment rights. I would urge that we would support the bill.

Senators Schuette, Gougeon, Emerson, North, McManus, Koivisto, Bennett, McCotter, Shugars, Dunaskiss, Goschka and Hoffman moved that they be named co-sponsors of the following bill:

Senate Bill No. 460

The motion prevailed.

The following bill was read a third time:

House Bill No. 4530, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending the title and sections 1, 8, and 14 (MCL 28.421, 28.428, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 5, 5b, 5c, 5d, 5e, 5f, 5h, 5i, 5j, 5k, 5l, 5n, 5o, 5p, and 5q.

The question being on the passage of the bill,

Senator Schwarz offered the following amendment:

- 1. Amend page 13, line 13, after “BOARD” by striking out “SHALL PROMPTLY” and inserting “MAY”.

The question being on the adoption of the amendment,

Senator Schwarz requested the yeas and nays.

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

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

Roll Call No. 291

Yeas—13

Emerson	Murphy	Smith, A.	Stille
Gast	Peters	Smith, V.	Vaughn
Hart	Schwarz	Steil	Young
Leland			

Nays—25

Bennett	Dunaskiss	Jaye	North
Bullard	Emmons	Johnson	Rogers
Byrum	Goschka	Koivisto	Schuette
Cherry	Gougeon	McCotter	Shugars
DeBeaussaert	Hammerstrom	McManus	Sikkema
DeGrow	Hoffman	Miller	Van Regenmorter
Dingell			

Excused—0

Not Voting—0

In The Chair: Hoffman

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

Senator Dingell offered the following amendments:

- 1. Amend page 20, line 18, after “PISTOL” by inserting “AND AGAINST INDIVIDUALS EXEMPTED FROM THE LICENSING PROVISIONS OF THIS ACT PURSUANT TO SECTION 12A”.

- 2. Amend page 20, line 21, after “PISTOL” by inserting “AND AGAINST INDIVIDUALS EXEMPTED FROM THE LICENSING PROVISIONS OF THIS ACT PURSUANT TO SECTION 12A”.

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

Senators Van Regenmorter, Dunaskiss and V. Smith offered the following amendment:

1. Amend page 29, following line 27, by inserting:

“SEC. 5U. (1) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION 12A(F), SHALL NOT CARRY A CONCEALED PISTOL ON THE PREMISES OF ANY OF THE FOLLOWING FACILITIES IF THAT FACILITY IS POSTED TO PROHIBIT CARRYING A CONCEALED PISTOL ON THE PREMISES OF THAT FACILITY:

(A) A COURT.

(B) A JAIL.

(C) A LOCK-UP.

(D) A JUVENILE DETENTION FACILITY.

(2) A LOCAL UNIT OF GOVERNMENT MAY POST A FACILITY DESCRIBED IN SUBSECTION (1) TO PROHIBIT CARRYING A CONCEALED PISTOL ON THE PREMISES OF THAT FACILITY AS PROVIDED IN THIS SECTION.”.

The question being on the adoption of the amendment,

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

1. Amend Senators Van Regenmorter, Dunaskiss and V. Smith’s amendment, page 29, following line 27, subsection (1), after “ANY” by striking out “OF THE FOLLOWING FACILITIES” and inserting “LOCAL GOVERNMENT FACILITY”.

2. Amend Senators Van Regenmorter, Dunaskiss and V. Smith’s amendment, page 29, following line 27, subsection (1), after the second “FACILITY” by striking out the balance of the amendment and inserting a period.

The amendments to the amendment were not adopted.

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

Senator Van Regenmorter offered the following amendments:

1. Amend page 11, line 21, after the second “TO” by striking out “(xxviii)” and inserting “(xxv)”.

2. Amend page 11, line 25, after the first “TO” by striking out “(xxvi)” and inserting “(xxv)”.

3. Amend page 11, line 27, after “TO” by striking out “(xxvi)” and inserting “(xxv)”.

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

The question being on the passage of the bill,

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

Roll Call No. 292

Yeas—25

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

Nays—13

DeBeaussaert	Leland	Schwarz	Steil
Emerson	Murphy	Smith, A.	Vaughn
Gast	Peters	Smith, V.	Young
Hart			

Excused—0

Not Voting—0

Senator Rogers 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 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, and 14 (MCL 28.421, 28.428, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 5, 5b, 5c, 5d, 5e, 5f, 5h, 5i, 5j, 5k, 5l, 5n, 5o, 5p, 5q, 5u, and 5w.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protest

Senator DeBeussaert, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4530.

Senator DeBeussaert's statement is as follows:

I voted against this bill because I think there were some serious flaws that were not corrected in this bill. I think this bill was actually the most important bill in this package, as it determines who, in fact, will or will not be allowed to be granted the concealed weapons permit.

The amendment that was adopted earlier, which limited the ability of the board to deny an applicant the right to carry a concealed weapon by rejecting the ability of them to consider statements or action of the individual and only allowing for the clear and convincing documented evidence of civil infractions, crimes, personal protection orders, injunctions or police reports, limits the ability of that board to do the kind of job necessary to prevent certain people who should not be allowed to carry concealed weapons, to have that right. Unlike current law, that determination to the board could be appealed. So those individuals who say leaving that discretion brings us back to the current state, I think are incorrect. I think that option should have been allowed by the local board and should have been allowed to be carried forward. If the applicant disagreed, he or she could, in fact, appeal that decision.

The other reason I think this bill is flawed, in spite of the fact that on the previous bill we were told that local units of government would have the ability to post property or post places as off limits on this bill—when, in fact, that specific amendment was offered, it was rejected. I think that was a mistake. For those reasons, I voted against the bill, and I hope that as the bill moves forward, those provisions can be corrected.

The following bill was read a third time:

Senate Bill No. 461, entitled

A bill to amend 1971 PA 79, entitled "Age of majority act of 1971," by amending section 3 (MCL 722.53).

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. 293

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Smith, V.

In The Chair: Schwarz

Senators Gougeon, Dunaskiss, Shugars, Hammerstrom, Johnson, Bennett, Schuette, Koivisto, McManus, McCotter, Emmons, North, Bullard, Sikkema and Goschka moved that they be named co-sponsors of the following bill:

Senate Bill No. 461

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Dingell, Koivisto and Peters introduced

Senate Bill No. 615, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 416a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Miller, Cherry, Dingell, DeBeaussaert, Byrum, Hart, Young, Emerson, Leland and A. Smith introduced

Senate Bill No. 616, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28a (MCL 421.28a), as amended by 1994 PA 162.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

Senator Dingell introduced

Senate Bill No. 617, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 1996 PA 477. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Hammerstrom, Johnson and McCotter introduced

Senate Bill No. 618, entitled

A bill to establish a lien for certain medical services rendered to crime and tort victims; to provide for the powers and duties of certain officials; and to encourage hospitals and physicians to extend services and facilities to indigent and uninsured persons.

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

Senators Hammerstrom, Johnson, McCotter, Emmons, Gougeon and Goschka introduced

Senate Bill No. 619, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending the title and section 27 (MCL 552.627), the title as amended by 1996 PA 25 and section 27 as amended by 1985 PA 210, and by adding sections 5, 5a, and 5b.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Johnson, Hammerstrom, McCotter, Emmons, Gougeon and Goschka introduced

Senate Bill No. 620, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 15, 16, and 17 (MCL 552.15, 552.16, and 552.17), as amended by 1996 PA 9; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Johnson, Hammerstrom, McCotter, Emmons, Gougeon and Goschka introduced
Senate Bill No. 621, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7 (MCL 722.27), as amended by 1998 PA 482; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Johnson, Hammerstrom, McCotter, Emmons, Gougeon and Goschka introduced
Senate Bill No. 622, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and 722.721), section 7 as amended by 1996 PA 308, section 10 as amended by 1996 PA 18, and section 11 as amended by 1990 PA 244; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Hammerstrom, Johnson, McCotter, Emmons, Gougeon and Goschka introduced
Senate Bill No. 623, entitled

A bill to amend 1968 PA 293, entitled "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors," by amending section 3 (MCL 722.3), as amended by 1996 PA 17; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Hammerstrom, Johnson, McCotter, Emmons, Gougeon and Goschka introduced
Senate Bill No. 624, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending section 2 (MCL 552.452), as amended by 1996 PA 5; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Schuette, Rogers, Goschka, Steil, Hoffman, Johnson, Hammerstrom, Dunaskiss, Sikkema, Bennett, Gougeon, Stille, Gast, Schwarz, Shugars, McManus, North, Koivisto, McCotter, Emerson, Miller and V. Smith introduced

Senate Bill No. 625, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending the title and sections 3, 4, 5, 6, and 8 (MCL 125.2683, 125.2684, 125.2685, 125.2686, and 125.2688) and by adding section 8a.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

House Bill No. 4065, entitled

A bill to make appropriations for the department of career development and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

The House of Representatives has passed the bill.

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

House Bill No. 4420, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending section 4 (MCL 691.1504), as added by 1986 PA 21.

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

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

House Bill No. 4499, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102 and 40103 (MCL 324.40102 and 324.40103), as amended by 1998 PA 86, and by adding section 40111a; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 4669, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 25a and 25b (MCL 764.25a and 764.25b), section 25a as amended by 1983 PA 92 and section 25b as amended by 1996 PA 418.

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

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

House Bill No. 4696, entitled

A bill to amend 1965 PA 7, entitled "An act to authorize the department of conservation to sell certain lands and buildings located thereon owned by the department of conservation in the township of Waterford, Oakland county; and to provide for the disposition of the revenue received therefrom," by amending section 2 and by adding section 2a.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Rogers moved that the order of Resolutions be postponed for today.

The motion prevailed.

Scheduled Meetings

Agriculture Preservation Task Force (SR 52) - Friday, June 18, at 1:00 p.m., Marlette Middle School Media Center, 6230 Euclid Street, Marlette; Saturday, June 19, at 9:00 a.m., Southwest Michigan Research and Extension Center, 1791 Hillandale, Benton Harbor; and Tuesday, June 29, at 11:00 a.m., Michigan State University Livestock Pavilion, East Lansing (3-1725).

Government Operations Committee - Thursday, May 27, at 9:30 a.m., Room 110, Farnum Building (3-1758).

Judiciary Committee - Thursday, May 27, at 1:00 p.m., Rooms 425 and 426, Capitol Building (3-6920).

Legislative Retirement Board of Trustees - Wednesday, June 2, at 4:00 p.m., House Conference Room, 1st Floor, Capitol Building (3-0575).

School Aid Appropriations Subcommittee - Thursday, May 27, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1635). (CANCELED)

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 5:56 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, May 27, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.