

No. 55
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, June 7, 2000.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

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

Pastor Ted McCulloch of Taymouth Presbyterian Church of Taymouth Township offered the following invocation:

Almighty Lord of the universe, we are glad to be here today. These men and women have come from near and far for the best of reasons—to serve. We remember, Lord, that was the reason for Your coming—to serve and to give us hope when hope had almost vanished. May the work that is done here, Lord, be work that brings hope to the hopeless, power to the powerless, and strength to the weak.

Lord, as these servants seek to serve the people of this state, guide their decisions that they may listen to one another with honesty and open minds and continue to represent all the people, whether factory workers or teachers or farmers or executives or whether they are here thinking of the youngest child or the oldest grandparent.

Finally, gracious God, I would ask that You fill them with joy. We don't often think of public service as joyful, but it should be joyful, Lord, not a frivolous happiness but a true, deep joy—the quiet joy of a job well done, the joy of trying to make people's lives better, and the joy of smiles and even laughter as friendships are renewed and acquaintances are made. May this place and its deliberations be filled with the joy of service that only You can understand. For these good folks, we pray in Your name. Amen.

Senators Jaye, Rogers and Bullard entered the Senate Chamber.

Motions and Communications

Recess

Senator Sikkema moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:04 a.m.

10:20 a.m.

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

During the recess, Senators DeGrow, Schuette, Steil, Emmons, Dunaskiss, Leland and Stille entered the Senate Chamber.

Senator Rogers moved that rule 2.106 be suspended to allow the conference committees to meet during Senate session.
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 10:21 a.m.

11:15 a.m.

The Senate was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators Young, Bennett, Hoffman and Van Regenmorter entered the Senate Chamber.

The following communication was received:
Office of the Auditor General

June 5, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Michigan Council for Arts and Cultural Affairs, June 2000.
If you desire further information concerning this report, I will be pleased to furnish it to you if available.

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

The communication was referred to the Secretary for record.

The following communication was received:
Northeast Michigan Consortium

Public Notice

The Workforce Development Board of Northeast Michigan Consortium has prepared the final Work First Youth Program Plan for the program year beginning July 1, 2000. A copy of the Plan is available at Northeast Michigan Consortium, P.O. Box 711, Onaway, Michigan 49765. Please address questions or comments to Terry L. Basel, Program Coordinator. An equal opportunity program/employer. Auxiliary aids and services will be made available upon request to individuals with disabilities. Michigan Relay Center 1(800)649-3777 (Voice and TDD).

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 6:
House Bill Nos. 4014 5296 5503 5504 5839 5844

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

Enrolled Senate Bill No. 599 at 4:16 p.m.
Enrolled Senate Bill No. 754 at 4:18 p.m.
Enrolled Senate Bill No. 1008 at 4:20 p.m.
Enrolled Senate Bill No. 1136 at 4:22 p.m.
Enrolled Senate Bill No. 1137 at 4:24 p.m.
Enrolled Senate Bill No. 1164 at 4:26 p.m.
Enrolled Senate Bill No. 1200 at 4:28 p.m.

Senator Rogers moved that Senators Goschka and Hoffman be temporarily excused from the balance of today's session. The motion prevailed.

Senator V. Smith moved that Senators Miller and Leland be temporarily excused from the balance of today's session. The motion prevailed.

Senators Leland, Miller and Goschka entered the Senate Chamber.

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

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

Senate Bill No. 838, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 227g. (For text of amendments, see Senate Journal No. 44, p. 724.)

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

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

Roll Call No. 463

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	Jaye	Peters	Stille
Dingell	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuette	Vaughn
Emerson	Leland	Schwarz	Young
Emmons			

Nays—0

Excused—1

Hoffman

Not Voting—0

In The Chair: President

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

Senate Bill No. 839, entitled

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

(For text of amendment, see Senate Journal No. 44, p. 724.)

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. 464

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	Jaye	Peters	Stille
Dingell	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuette	Vaughn
Emerson	Leland	Schwarz	Young
Emmons			

Nays—0

Excused—1

Hoffman

Not Voting—0

In The Chair: President

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

House Bill No. 5281, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (H-2).

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

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

Roll Call No. 465**Yeas—36**

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

Nays—1

Jaye

Excused—1

Hoffman

Not Voting—0

In The Chair: President

House Bill No. 4684, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67.

(For text of the amendments, see Senate Journal No. 53, p. 1085.)

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

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

Roll Call No. 466**Yeas—35**

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

Nays—2

Cherry

Dingell

Excused—1

Hoffman

Not Voting—0

In The Chair: President

Senate Bill No. 378, entitled

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 174a.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-4).

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

Senate Bill No. 597, entitled

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16i of chapter XVII (MCL 777.16i), as added by 1998 PA 317.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-1).

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

Senate Bill No. 738, entitled

A bill to prohibit the use of certain unsafe children’s products; to prohibit child care facilities from using or having on the facility premises certain unsafe children’s products; to prescribe powers and duties of certain departments, officers, and agencies; to provide for the promulgation of rules to carry out the provisions of this act; and to prescribe penalties for violation of the provisions of this act.

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

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

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

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

Senate Bill No. 1224, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16181 (MCL 333.16181), as amended by 1993 PA 80.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 3, after "(2)" by inserting "UNTIL OCTOBER 1, 2004,".
2. Amend page 2, following line 27, by inserting:

"(5) THE DEPARTMENT, IN CONJUNCTION WITH THE MICHIGAN BOARD OF NURSING, THE MICHIGAN NURSES ASSOCIATION, THE MICHIGAN HEALTH AND HOSPITAL ASSOCIATION, AND ANY OTHER GROUP DESIGNATED BY THE DEPARTMENT FOR THIS PURPOSE, SHALL CONDUCT A STUDY OF THE CURRENT AND FUTURE NEEDS OF THE PROFESSIONAL NURSING WORKFORCE IN THIS STATE. THE DEPARTMENT SHALL INCLUDE IN THE STUDY RECOMMENDATIONS FOR LEGISLATIVE AND OTHER ACTION TO ADDRESS THE NEEDS IDENTIFIED IN THE STUDY. THE DEPARTMENT SHALL SUBMIT THE STUDY TO THE MEMBERS OF THE STANDING COMMITTEES IN THE SENATE AND THE HOUSE OF REPRESENTATIVES WITH JURISDICTION OVER MATTERS PERTAINING TO HEALTH POLICY NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. AS PERMITTED BY SECTION 16315(9)(B), THE DEPARTMENT MAY USE FUNDS FROM THE NURSE PROFESSIONAL FUND CREATED IN SECTION 16315 TO CONDUCT AND PUBLISH THE STUDY REQUIRED BY THIS SUBSECTION."

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

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

Senate Bill No. 718, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 415 (MCL 750.415).

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 719, entitled

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

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 25, after "effect" by striking out the balance of the enacting section and inserting "October 1, 2000."

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.

Senator Hoffman entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 5139, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 14a, 24j, 666a, 669, 805, and 871 (MCL 168.14a, 168.24j, 168.666a, 168.669, 168.805, and 168.871), sections 14a and 805 as amended by 1995 PA 261 and section 871 as amended by 1996 PA 583.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendment:

1. Amend page 9, line 25, by striking out all of enacting section 1 and inserting:

"Enacting section 1. Section 18 of the Michigan campaign finance act, 1976 PA 388, MCL 169.218, as added by 1999 PA 237, is repealed."

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. 467**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	Jaye	Peters	Stille
Dingell	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuette	Vaughn
Emerson	Leland	Schwarz	Young
Emmons			

Nays—1

Hoffman

Excused—0**Not Voting—0**

In The Chair: President

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

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

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 14a, 24j, 666a, 669, 805, and 871 (MCL 168.14a, 168.24j, 168.666a, 168.669, 168.805, and 168.871), sections 14a and 805 as amended by 1995 PA 261 and section 871 as amended by 1996 PA 583; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

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

House Bill No. 4891, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 17 (MCL 205.67), as amended by 1995 PA 254.

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. 468**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
Dingell
Dunaskiss
Emerson
Emmons

Hoffman
Jaye
Johnson
Koivisto
Leland

Peters
Rogers
Schuette
Schwarz

Stille
Van Regenmorter
Vaughn
Young

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 provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5534, entitled

A bill to establish career and technical preparation enrollment options for certain students enrolled in Michigan schools; to prescribe certain duties of public schools and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Bennett offered the following amendment:

1. Amend page 6, line 15, by striking out all of subsection (8) and inserting:

“(8) If an eligible student enrolled in an eligible course under this act does not complete the eligible course, and if the school district has paid money for the course on behalf of the student, all of the following apply:

(a) The career and technical preparation program shall forward to the school district any funds that are refundable due to noncompletion of the course. If applicable, the school district shall then forward to the student any refunded money in excess of the amount paid by the school district for the course on behalf of the student.

(b) The student shall repay to the school district any funds that were expended by the school district for the course that are not refunded to the school district by the career and technical preparation program. If the student does not repay this money, the school district may impose sanctions against the student as determined by school district policy. This subdivision does not apply to a student who does not complete the course due to a family or medical emergency, as determined by the career and technical preparation program.”.

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. 469

Yeas—34

Bennett
Bullard
Byrum
Cherry

Emmons
Gast
Goschka
Gougeon

Koivisto
Leland
McCotter
McManus

Schuette
Schwarz
Shugars
Sikkema

DeBeaussaert	Hammerstrom	Miller	Steil
DeGrow	Hart	North	Stille
Dingell	Hoffman	Peters	Van Regenmorter
Dunaskiss	Jaye	Rogers	Young
Emerson	Johnson		

Nays—3

Murphy	Smith, A.	Smith, V.
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Excused—0**Not Voting—1**

Vaughn

In The Chair: Schwarz

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

Protest

Senator A. Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Bennett and passage of House Bill No. 5534.

Senator A. Smith's statement is as follows:

As I understand the amendment, Mr. President, the amendment would require that if a student provided constitutionally a free public education takes advantage of an opportunity that we allow through the K-12 process, which is dual enrollment in an institution outside of their public school because it offers courses that are currently unavailable through its public school, if they did not complete the course, they would be charged for the enrollment at the community college, which seems to raise tension between a concept of free public education and getting paid for something that we allow students to do within that free public education concept. I think this is potentially unconstitutional. I have a great concern that it raises serious questions about dual-enrollment eligibility and opportunities for students whose schools do not offer certain courses, and I voted "no."

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

House Bill No. 5520, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80113 (MCL 324.80113), as added by 1995 PA 58.

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. 470**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
Dunaskiss
Emerson
Emmons

Jaye
Johnson
Koivisto
Leland

Rogers
Schuette
Schwarz

Van Regenmorter
Vaughn
Young

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5521, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 7 (MCL 24.207), as amended by 1999 PA 262.

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. 471

Yeas—38

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

Shugars
Sikkema
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

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 provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of the Michigan register; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5581, entitled

A bill to repeal 1899 PA 221, entitled “An act to compel parties engaged in securing ice to erect suitable danger signals and barricades, designating what officials it shall be the duty of to see that the provisions of this act are complied with, and to repeal Act No. 100 of the Public Acts of 1877, entitled “An act to compel parties engaged in securing ice to erect danger signals,” being sections 9119 and 9120 of Howell’s annotated statutes of the state of Michigan and sections 11525 and 11526 of the Compiled Laws of 1897,” (MCL 752.351 to 752.353).

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. 472

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Dunaskiss

In The Chair: Schwarz

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

The following bill was read a third time:

House Bill No. 5526, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 802; 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. 473**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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5311, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 227f (MCL 750.227f), as amended by 1996 PA 163.

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. 474**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.

The following bill was read a third time:

House Bill No. 5568, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 136c.

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. 475

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Dunaskiss

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.

The following bill was read a third time:

House Bill No. 4784, entitled

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 62b (MCL 791.262b), as amended by 1988 PA 492.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 5588, entitled

A bill to amend 1935 PA 59, entitled “An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,” by repealing section 6b (MCL 28.6b).

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. 476

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. The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5590, entitled

A bill to amend 1846 RS 12, entitled "Of certain state officers," by repealing section 3 (MCL 10.3).

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. 477

Yeas—37

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith, A.
DeBeaussaert	Hart	Murphy	Smith, V.
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

Steil

In The Chair: Schwarz

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

The following bill was read a third time:

House Bill No. 5594, entitled

A bill to repeal 1917 PA 54, entitled "An act to provide for the branding and labeling of mattresses and comforts, and to provide against the use of insanitary, unhealthy, old or second-hand material in the manufacture of mattresses and comforts, and to provide against the sale of mattresses or comforts containing such insanitary, unhealthy, old or second-hand materials," (MCL 429.301 to 429.311).

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. 478**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Murphy

In The Chair: Schwarz

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

The following bill was read a third time:

House Bill No. 5630, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 42 (MCL 750.42).

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. 479**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	Schuetten	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.

The President, Lieutenant Governor Posthumus, resumed the Chair.

The following bill was read a third time:

Senate Bill No. 1244, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” (MCL 722.21 to 722.30) by adding section 11.

The question being on the passage of the bill,

Senator A. Smith offered the following amendment:

1. Amend page 1, line 9, after “(1)” by striking out “IF THE OTHER PARENT CONSENTS TO,” and inserting “IF THE PARENT PROVIDES WRITTEN NOTICE TO THE OTHER PARENT AND THE COURT AT LEAST 60 DAYS PRIOR TO CHANGING LEGAL RESIDENCE AND THE OTHER PARENT DOES NOT OBJECT IN WRITING TO THE COURT AND THE PARENT WHO IS CHANGING LEGAL RESIDENCE WITHIN 30 DAYS OF THE NOTICE TO,”.

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

Senator A. Smith offered the following amendments:

1. Amend page 1, line 1, after “(1)” by striking out the balance of the line through “PARENT” on line 2.

2. Amend page 3, following line 14, by inserting:

“(5) AS USED IN THIS SECTION, “LEGAL RESIDENCE” OF A CHILD SHALL BE DEFINED AS THE RESIDENCE OF EACH PARENT.”.

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

The question being on the passage of the bill,

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

Roll Call No. 480

Yeas—35

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

Nays—3

Emerson	Koivisto	Smith, A.
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Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

House Bill No. 5719, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2517 (MCL 339.2517), as added by 1993 PA 93.

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. 481

Yeas—33

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

Nays—4

Cherry	DeBeaussaert	Smith, A.	Young
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Excused—0

Not Voting—1

Van Regenmorter

In The Chair: President

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

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

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

"An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts."

The Senate agreed to the full title.

Protests

Senators DeBeaussaert, A. Smith and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5719.

Senator DeBeaussaert's statement, in which Senators A. Smith and Young concurred, is as follows:

I voted against House Bill No. 5719 because I'm not really convinced that it's in the best interest of Michigan residents. The purchase of a home representing one of the largest investments that any individual would make, it seems to me that our laws should work to protect the interests, of the citizens. In this process when the home buyers and sellers have obviously different interests, it's important to take note of those differences. But the bill before us, I think, creates a kind of legal fiction for home buyers or a licensee who's working for a broker who may also represent the seller in the transaction can't fully represent their clients' interests when it seems to me that an obvious conflict exists within that office.

But even if you believe that the concept of the designated agency that's included in the bill is a valid one, I think that the bill is also flawed because of the language of the form that's required in the bill. I don't believe that it is consumer-friendly. The form statement reads, "Only the licensee's broker and a named supervisory broker have the same agency relationship as the licensee named below. If the other party in the transaction is represented by an affiliated licensee, then the licensee's broker and all named supervisory brokers shall be considered disclosed consensual dual agents." It seems to me that most people would not understand the meaning of that statement and the inherent conflict that it legitimizes, and that's why I voted against the bill.

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, Lieutenant Governor Posthumus, designated Senator Stille as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant 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. 5543, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding chapter XII; and to repeal acts and parts of acts.

House Bill No. 5767, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 1999 PA 140.

House Bill No. 5572, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3580.

Senate Bill No. 1301, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 1992 PA 78.

House Bill No. 5351, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 15 and 602.

House Bill No. 5670, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48726 (MCL 324.48726), as added by 1995 PA 57.

House Bill No. 5322, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 1994 PA 415.

House Bill No. 5681, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its

rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," (MCL 207.1 to 207.21) by adding section 13a.

Senate Bill No. 1280, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36103 and 36111 (MCL 324.36103 and 324.36111), section 36103 as amended by 1996 PA 233 and section 36111 as amended by 1996 PA 567.

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. 628, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40102 (MCL 324.40102), as amended by 1998 PA 86, and by adding section 40115a.

Substitute (S-2).

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

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

House Bill No. 5766, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 4, 10, and 12 (MCL 125.2152, 125.2154, 125.2160, and 125.2162), section 2 as amended by 1998 PA 92 and sections 4, 10, and 12 as amended by 1993 PA 333, and by adding section 12a.

Substitute (S-1).

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

1. Amend page 16, line 6, after "EXCEED" by striking out "6" and inserting "15".
2. Amend page 19, following line 15, by inserting:

"Sec. 3. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED BY SUBSECTION (2), A municipality may establish not more than 1 authority under the provisions of this act. An authority ESTABLISHED UNDER THIS SUBSECTION shall exercise its powers in all authority districts.

(2) IN ADDITION TO AN AUTHORITY ESTABLISHED UNDER SUBSECTION (1), A MUNICIPALITY MAY JOIN WITH 1 OR MORE OTHER MUNICIPALITY LOCATED WITHIN THE SAME COUNTY TO ESTABLISH AN AUTHORITY UNDER THIS ACT. AN AUTHORITY CREATED UNDER THIS SUBSECTION MAY ONLY EXERCISE ITS POWERS IN A CERTIFIED TECHNOLOGY PARK DESIGNATED IN AN AGREEMENT MADE UNDER SECTION 12A. A MUNICIPALITY SHALL NOT ESTABLISH MORE THAN 1 AUTHORITY UNDER THIS SUBSECTION.

(3) ~~(2)~~ The authority shall be a public body corporate which may sue and be sued in any court of this state. The authority possesses all the powers necessary to carry out the purpose of its incorporation. The enumeration of a power in this act shall not be construed as a limitation upon the general powers of the authority. The powers granted in this act to an authority may be exercised notwithstanding that bonds are not issued by the authority."

3. Amend page 20, line 24, after "jurisdiction" by striking out the balance of the line through "MCL 380.1212," on line 27.

4. Amend page 21, line 4, after "JURISDICTION" by striking out the balance of the line through "DISTRICT," on line 5.

5. Amend page 22, following line 10, by inserting:

"(7) EXCEPT AS OTHERWISE PROVIDED BY THIS SUBSECTION, IF 2 OR MORE MUNICIPALITIES DESIRE TO ESTABLISH AN AUTHORITY UNDER SECTION 3(2), EACH MUNICIPALITY IN WHICH THE AUTHORITY DISTRICT WILL BE LOCATED SHALL COMPLY WITH THE PROCEDURES PRESCRIBED BY THIS ACT. THE NOTICE REQUIRED BY SUBSECTION (2) MAY BE PUBLISHED JOINTLY BY THE MUNICIPALITIES ESTABLISHING THE AUTHORITY. THE RESOLUTIONS ESTABLISHING THE AUTHORITY SHALL INCLUDE, OR SHALL APPROVE AN AGREEMENT INCLUDING, PROVISIONS GOVERNING THE NUMBER OF MEMBERS ON THE BOARD, THE METHOD OF APPOINTMENT, THE MEMBERS TO BE REPRESENTED BY GOVERNMENTAL UNITS OR AGENCIES, THE TERMS OF INITIAL AND SUBSEQUENT APPOINTMENTS TO THE BOARD, THE MANNER IN WHICH A MEMBER OF THE BOARD MAY BE REMOVED FOR CAUSE BEFORE THE EXPIRATION OF HIS OR HER TERM, THE MANNER IN WHICH THE AUTHORITY MAY BE DISSOLVED, AND THE DISPOSITION OF ASSETS UPON DISSOLUTION. AN AUTHORITY DESCRIBED IN THIS SUBSECTION SHALL NOT BE CONSIDERED ESTABLISHED UNLESS ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

(A) A RESOLUTION IS APPROVED AND FILED WITH THE SECRETARY OF STATE BY EACH MUNICIPALITY IN WHICH THE AUTHORITY DISTRICT WILL BE LOCATED.

(B) THE SAME BOUNDARIES HAVE BEEN APPROVED FOR THE AUTHORITY DISTRICT BY THE GOVERNING BODY OF EACH MUNICIPALITY IN WHICH THE AUTHORITY DISTRICT WILL BE LOCATED.

(C) THE GOVERNING BODY OF THE COUNTY IN WHICH A MAJORITY OF THE AUTHORITY DISTRICT WILL BE LOCATED HAS APPROVED BY RESOLUTION THE CREATION OF THE AUTHORITY.”.

6. Amend page 27, line 12, after “(4)” by striking out “Approval” and inserting “EXCEPT AS OTHERWISE PROVIDED BY THIS SUBSECTION, APPROVAL”.

7. Amend page 27, line 16, after “together.” by inserting “FOR A PLAN SUBMITTED BY AN AUTHORITY ESTABLISHED BY 2 OR MORE MUNICIPALITIES UNDER SECTIONS 3(2) AND 4(7), THE NOTICE REQUIRED BY SECTION 16 MAY BE PUBLISHED JOINTLY BY THE MUNICIPALITIES IN WHICH THE AUTHORITY DISTRICT IS LOCATED. THE PLAN SHALL NOT BE CONSIDERED APPROVED UNLESS EACH GOVERNING BODY IN WHICH THE AUTHORITY DISTRICT IS LOCATED MAKES THE DETERMINATIONS REQUIRED BY SECTION 17 AND APPROVES THE SAME PLAN, INCLUDING THE SAME MODIFICATIONS, IF ANY, MADE TO THE PLAN BY ANY OTHER GOVERNING BODY.”.

8. Amend page 34, following line 16, by inserting:

“(10) FOR AN AUTHORITY ESTABLISHED BY 2 OR MORE MUNICIPALITIES UNDER SECTIONS 3(2) AND 4(7), EACH MUNICIPALITY IN WHICH THE AUTHORITY DISTRICT IS LOCATED BY A MAJORITY VOTE OF THE MEMBERS OF ITS GOVERNING BODY MAY MAKE A LIMITED TAX PLEDGE TO SUPPORT THE AUTHORITY’S TAX INCREMENT BONDS ISSUED UNDER SECTION 14 OR, IF AUTHORIZED BY THE VOTERS OF THE MUNICIPALITY, MAY PLEDGE ITS FULL FAITH AND CREDIT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS. THE MUNICIPALITIES THAT HAVE MADE A PLEDGE TO SUPPORT THE AUTHORITY’S TAX INCREMENT BONDS MAY APPROVE BY RESOLUTION AN AGREEMENT AMONG THEMSELVES ESTABLISHING OBLIGATIONS EACH MAY HAVE TO THE OTHER PARTY OR PARTIES TO THE AGREEMENT FOR REIMBURSEMENT OF ALL OR ANY PORTION OF A PAYMENT MADE BY A MUNICIPALITY RELATED TO ITS PLEDGE TO SUPPORT THE AUTHORITY’S TAX INCREMENT BONDS.”.

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. 5624, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 629e, 674, 675d, and 742 (MCL 257.629e, 257.674, 257.675d, and 257.742), section 629e as amended by 1991 PA 163, section 674 as amended by 2000 PA 76, section 675d as amended by 1992 PA 230, and section 742 as amended by 1998 PA 68.

Substitute (S-2).

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

1. Amend page 7, line 6, after “675a.” by striking out “(1)”.
2. Amend page 7, line 7, after the first “a” by striking out “prosecution” and inserting “PROCEEDING”.
3. Amend page 7, line 10, after the first “the” by striking out “complaint” and inserting “CITATION, complaint, OR WARRANT”.
4. Amend page 7, line 13, after the second “the” by striking out “complaint” and inserting “CITATION, complaint, OR WARRANT”.
5. Amend page 7, line 19, by striking out all of subsection (2).
6. Amend page 7, line 27, after “complaint,” by striking out “or warrant” and inserting “warrant, OR NOTICE”.
7. Amend page 8, line 13, after “COURT” by inserting “OR PARKING VIOLATIONS BUREAU”.
8. Amend page 8, line 13, after “THAN” by striking out “45” and inserting “30”.
9. Amend page 9, line 2, after “THE” by striking out “45-DAY” and inserting “30-DAY”.
10. Amend page 9, line 4, after “(B)” by striking out the balance of the subdivision and inserting “THE COURT ISSUING THE VIOLATION PROCEEDS AGAINST THE LESSEE OR RENTER OF THE VEHICLE AND THE LESSEE OR RENTER OF THE VEHICLE IS NOT CONVICTED OF OR FOUND RESPONSIBLE FOR THE VIOLATION.”.
11. Amend page 10, line 18, after “infraction.” by inserting “WITH REGARD TO A LEASED VEHICLE, THIS SUBSECTION DOES NOT APPLY IF THE COURT ISSUING THE VIOLATION FINDS THAT THE LESSEE OR RENTER OF THE VEHICLE IS NOT RESPONSIBLE FOR THE VIOLATION AND IT IS DETERMINED THAT THE LESSEE OR RENTER DID NOT VIOLATE THE TERMS OF THE RENTAL CONTRACT OR LEASE AGREEMENT.”.

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. 5813, entitled

A bill to amend 1954 PA 99, entitled "An act authorizing the international bridge authority of Michigan, created by Act No. 237 of the Public Acts of 1935, as amended, being sections 254.201 to 254.216, inclusive, of the Compiled Laws of 1948, to construct, maintain, repair and operate a bridge or tunnel project from the Upper Peninsula of Michigan to the province of Ontario, Canada, and providing for the acquisition and operation of the existing ferry system and buses in connection with such project; defining the powers and duties of the authority; granting to the authority power to acquire necessary real and personal property and to exercise the power of condemnation; providing for financing such project by the issuance of revenue bonds of the authority, payable solely from tolls and other revenues; providing that no debt of the state shall be incurred in the exercise of any such powers; providing for the collection of tolls and other revenues to pay such bonds and the interest thereon and the cost of maintenance, repair and operation of such project; exempting from taxes and assessments such project and such bonds and the income therefrom; authorizing the issuance of revenue refunding bonds; prescribing the rights and remedies of the holders of bonds issued under the provisions of this act; making an appropriation; and repealing certain acts and parts of acts," by amending the title and sections 1, 3, 4, 7, and 16 (MCL 254.221, 254.223, 254.224, 254.227, and 254.236), section 2 as amended by 1994 PA 44, and by adding section 3a; and to repeal acts and parts of acts.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1276, entitled

A bill to provide for the establishment of recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials.

Substitute (S-1).

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

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

"(d) "District" means a school district that serves at least 1 municipality whose population is not less than 15,000, the territory of which school district is located in not less than 2 counties, each of which has not less than 10% of the school district's population." and relettering the remaining subdivisions.

2. Amend page 2, line 8, after "city," by inserting "county,".

3. Amend page 2, line 8, after "village," by striking out "or township" and inserting "township, or district".

4. Amend page 3, line 6, after "municipalities" by inserting a comma and "or 1 municipality if that municipality is a district,".

5. Amend page 12, line 7, after "treasury," by striking out "but are not otherwise" and inserting "and are".

6. Amend page 12, following line 15, by inserting:

"(5) Bonds or notes issued by a recreational authority under this act shall not, in whole or in part, appreciate in principal amount or be sold at a discount of more than 10%.".

7. Amend page 13, following line 21, by inserting:

"(3) An authority may borrow money and issue bonds or notes for refunding all or part of existing bonded or note indebtedness only if the net present value of the principal and interest to be paid on the refunding bonds or notes, excluding the cost of issuance, will be less than the net present value of the principal and interest to be paid on the bonds or notes being refunded, as calculated using a method approved by the department of treasury.".

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 amendments, the following bill:

House Bill No. 5222, entitled

A bill to amend 1998 PA 363, entitled "An act to authorize the state administrative board to convey certain state owned property in Ingham county; to authorize the department of natural resources to convey certain parcels of state owned property in Roscommon county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to certain property; and to provide for disposition of the revenue derived from the conveyance," by amending the title and sections 2 and 3 and by adding section 15.

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

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

"(3) IF ANY FEE, TERM, OR CONDITION FOR THE USE OF THE PROPERTY CONVEYED UNDER SECTION 1 IS IMPOSED ON MEMBERS OF THE PUBLIC, OR IF ANY OF THOSE FEES, TERMS, OR CONDITIONS IS WAIVED FOR USE OF THIS PROPERTY, RESIDENT AND NONRESIDENT MEMBERS OF THE PUBLIC SHALL BE SUBJECT TO THE SAME FEES, TERMS, CONDITIONS, OR WAIVERS.".

2. Amend page 2, following line 15, section 15(5), after "GENERAL FUND." by inserting:

"(6) IF ANY FEE, TERM, OR CONDITION FOR THE USE OF THE PROPERTY CONVEYED UNDER SECTION 15 IS IMPOSED ON MEMBERS OF THE PUBLIC, OR IF ANY OF THOSE FEES, TERMS, OR CONDITIONS IS WAIVED FOR USE OF THIS PROPERTY, RESIDENT AND NONRESIDENT MEMBERS OF THE PUBLIC SHALL BE SUBJECT TO THE SAME FEES, TERMS, CONDITIONS, OR WAIVERS."

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

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

Senate Bill No. 805, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act," by amending section 1 (MCL 388.851) and by adding section 1b.

Substitute (S-2).

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

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

Senate Bill No. 1273, entitled

A bill to define organic agriculture and products; to provide for the establishment of standards relative to organic products, producers and handlers of organic products, and other persons; to provide for designation of certain entities as certifying agents; to provide for registration of certain organic products; to provide for certain powers and duties of certain state agencies; and to provide for penalties and remedies.

Substitute (S-3).

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

1. Amend page 8, line 25, after "information" by striking out "of identification with" and inserting "or identification of".

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 amendments, the following bill:

House Bill No. 5573, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 404 (MCL 550.1404), as amended by 1996 PA 516.

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

1. Amend page 2, line 7, after "than" by striking out "25" and inserting "45".

2. Amend page 2, line 11, by striking out "25-CALENDAR-DAY" and inserting "45-CALENDAR-DAY".

3. Amend page 2, line 13, after "procedure" by striking out the balance of the sentence and inserting a period.

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. 5576, entitled

A bill to provide review of certain health care coverage adverse determinations made by health carriers; to prescribe eligibility, powers, and duties of certain independent review organizations; to prescribe the powers and duties of certain health carriers; to prescribe the powers and duties of certain persons; to prescribe the powers and duties of certain state officials; to provide for the reporting of certain information; to provide fees; and to provide penalties for violations of this act.

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

1. Amend page 8, line 4, after "review" by inserting "for an adverse determination issued before the service is provided to a covered person".

2. Amend page 8, line 6, after "(a)" by striking out the balance of the line and inserting "A".
3. Amend page 8, line 7, after "of" by inserting "all of".
4. Amend page 9, following line 17, by inserting:

"(4) The written notice of the right to request an external review for an adverse determination issued after the service was provided to the covered person shall be in plain English, shall include the standard external review procedures information required in subsection (3), and shall be provided to the covered person in the manner prescribed by the commissioner."

5. Amend page 15, line 24, after "7" by inserting "business".
6. Amend page 29, line 3, after "violation." by striking out the balance of the subdivision.
7. Amend page 29, following line 9, by inserting:

"(2) If the commissioner finds that a health carrier has deliberately refused to pay for a covered benefit, the commissioner may order any of the following:

(a) For a first offense, payment of a civil fine of not more than \$25,000.00 and recovery of the cost of the investigation.

(b) For a second offense, payment of a civil fine of not more than \$50,000.00 and recovery of the cost of the investigation.

(c) For a third or subsequent offense or if the commissioner determines that the health carrier has deliberately engaged in a pattern of refusing to pay for a covered benefit, both of the following:

(i) The greater of the following:

(A) Payment of a civil fine of not more than \$280,000.00.

(B) Payment of a civil fine which shall be the amount of the health carrier's total liability for the covered benefits denied.

(ii) Recovery of the cost of the investigation.

(3) A fine collected under this section shall be placed in the cancer clinical trials fund created in subsection (7)." and renumbering the remaining subsections.

8. Amend page 29, line 24, after "both." by striking out the balance of the subsection.

9. Amend page 30, following line 3, by inserting:

"(7) The cancer clinical trials fund is created as a separate fund in the state treasury. The money in the fund shall be used as provided in this subsection. The state treasurer shall credit to the cancer clinical trials fund all fines collected under this section. The state treasurer may invest money in the fund in any manner authorized by law for the investment of state money, and earnings shall be credited to the fund. Money may be appropriated from the fund to hospitals, outpatient oncology centers, and other facilities located in this state involved in national institutes of health phase III or IV cancer clinical trials that apply for fund money to partially defray costs of patient participation in cancer clinical trials not covered by pharmaceutical manufacturers or health carriers. Money may be appropriated from the fund in amounts that shall not exceed \$5,000.00 per facility per year. Money in the cancer clinical trials fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund."

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

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

House Bill No. 4260, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 1995 PA 74.

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. 5017, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 1996 PA 476.

Substitute (S-1).

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

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

Senator Rogers moved that the Committee on Transportation and Tourism be discharged from further consideration of the following bill:

House Bill No. 5554, entitled

A bill to amend 1981 PA 118, entitled “An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts,” by amending section 4 (MCL 445.1564)

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

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

House Bill No. 5554

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

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

House Bill No. 5554, entitled

A bill to amend 1981 PA 118, entitled “An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts,” by amending section 4 (MCL 445.1564)

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. 482

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Dunaskiss

Gougeon

In The Chair: Schwarz

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

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

Senator Rogers moved that the Committee on Judiciary be discharged from further consideration of the following bill:
House Bill No. 5781, 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,” (MCL 28.421 to 28.434) by amending the title, as amended by 1990 PA 320, and by adding section 15.

On which motion Senator V. Smith 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. 483

Yeas—26

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

Nays—12

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

Excused—0

Not Voting—0

In The Chair: Schwarz

Protest

Senator V. Smith, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion to discharge the Committee on Judiciary from further consideration of House Bill No. 5781 and moved that the statement he made during the discussion of the motion be printed as his reasons for voting “no.”

The motion prevailed.
 Senator V. Smith’s statement is as follows:

Mr. President, my objection to the discharge of House Bill No. 5781 is based on the language that’s contained in this bill that clearly would remove the right of local units of government to be able to challenge the gun manufacturers. I would hope that the body would not discharge this bill and would leave this bill for consideration within the Judiciary Committee for full debate by the members of the Judiciary Committee rather than to discharge this bill and put it on the floor. We think that the debate in the committee is an important debate. We would hope that the body would not

discharge it, would not suspend the rules, and would not go through extraordinary processes or procedure in order to have this bill put before the body today.

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

House Bill No. 5781

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

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

House Bill No. 5781, 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," (MCL 28.421 to 28.434) by amending the title, as amended by 1990 PA 320, and by adding section 15.

The above bill was read a third time.

The question being on the passage of the bill,

Senator V. Smith offered the following amendments:

1. Amend page 4, line 7, by striking out all of subsections (9) through (13) and renumbering the remaining subsections.

2. Amend page 6, line 12, by striking out all of subdivision (D) and relettering the remaining subdivision.

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

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator V. Smith to House Bill No. 5781.

Senator Emmons' statement is as follows:

I think the resource of the Attorney General is much more sufficient than any local government and certainly would look at the whole state as a whole. So I voted "no" on the amendment.

Senator Peters offered the following amendment:

1. Amend page 5, line 16, by striking out all of subsection (13) and renumbering the remaining subsections.

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. 484

Yeas—13

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

Nays—25

Bennett	Goschka	Koivisto	Schuette
Bullard	Gugeon	McCotter	Shugars
DeGrow	Hammerstrom	McManus	Sikkema

Dingell
Dunaskiss
Emmons
Gast

Hoffman
Jaye
Johnson

Miller
North
Rogers

Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Van Regenmorter offered the following amendment:

1. Amend page 5, line 20, after “(14)” by inserting “BEGINNING SEPTEMBER 1, 2000;”.

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. 485

Yeas—31

Bennett
Bullard
Byrum
Cherry
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye

Johnson
Koivisto
McCotter
McManus
Miller
North
Rogers
Schuette

Schwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter
Young

Nays—7

DeBeaussaert
Leland

Murphy
Peters

Smith, A.
Smith, V.

Vaughn

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Rogers moved that the bill be given immediate effect.

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

The Senate agreed to the title of the bill.

Protests

Senators V. Smith and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5781.

The motion prevailed.

Senator V. Smith's statement, in which Senator A. Smith concurred, is as follows:

I voted against House Bill No. 5781 because, in my view, this bill is just really a sham bill. The only positive effect this bill has, and I agree that it has some positive effect, is the requiring of trigger locks to be sold at the time a handgun purchase is made. As we heard in debate by other Senators who are in support of this legislation, trigger locks are not

necessarily the most effective way to disable a gun from firing. There are numerous different ways that an individual homeowner or individual gun owner may be able to use to disable a gun. Primarily, the best way to disable a gun is to not load it. Just using that tactic alone would take the place of what was supposed to be the number one criteria that has a positive effect in this bill.

I think primarily House Bill No. 5781 was designed to provide protection for gun manufacturers by taking away from local units of governments the ability to file suit against gun manufacturers for the way that guns are sold and for other deficiencies or problems that the selling of guns will accomplish by gun manufacturers in this state. I think that this deal really was designed to indeed stop that. Indeed the amendment that Senator Peters put up to foreclose the options of eliminating the suits that have already been filed through amendment put it squarely on notice that's what this bill is about. That amendment was turned down through record roll call. What this bill really is about is about protecting the gun manufacturers by prohibiting the lawsuits that have already been filed and prohibiting any other local unit of government in this state from being able to go after a gun manufacturer. So the NRA got what they wanted. There is adequate protection for their gun manufacturers, and that's really what we accomplished with House Bill No. 5781.

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

The motion prevailed.

Senator Emmons' statement is as follows:

I rise to support this bill, largely because of the people who have come to me who have told me about how a gun saved them from being hurt. In the little town of Mecosta is a woman who lives near the bar all alone. Regularly the town rowdies and the drunks would congregate outside her home at 2:30 in the morning after they were soused up. She had a great deal of trouble until she got a hand gun and let the guys know that she had it. She never had any trouble after that. So I think there are appropriate places where people are a long ways from any law enforcement official, who protect themselves, and that's what we need to continue.

Senator Dingell's statement is as follows:

I rise in support of the bill. You know the degree to which public views regarding firearms diverges from what is the truth regarding firearms is probably pretty good proof that most people learn what they know about firearms from Sylvester Stallone and Arnold Schwarzenegger. This bill tries very hard to address actual problems without causing problems for law-abiding gun owners. Trigger locks are something that a lot of people have faith in. Over the past ten years, I've spent something on the order of \$400.00 on them both testing their practical effect, as well as destructively testing them, and frankly, I don't have a lot of faith in them.

Under many circumstances there are other ways that are far better to prevent a firearm from being seized, even the highly vaunted smart gun technology that a lot of people talk about. Well, I've bought it, I've tried it, and sometimes it does prevent a firearm from working when it shouldn't work. Then again, sometimes it doesn't prevent a firearm from working when it shouldn't. Regarding trigger locks, a lot of them can be removed from your hands with some designs of firearms, and many require nothing more than a screwdriver or a fork to remove from a firearm.

I think this bill establishes a proper balance, strongly encouraging people to think about how to safely store firearms. It will impose liability on persons who conduct themselves the way that people did in Mt. Morris Township. It will also stay out of the hair of law-abiding gun owners. It will, at the same time, prevent what firearm owners, users, sellers, and manufacturers see as litigation intended to raise the cost of firearms to prices higher than what average people can afford and, at the same time, allow the spokesperson for the public interest, the Attorney General, to speak to the public interest. For these reasons, I support the bill and recommend my colleagues to also.

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

Senate Bill No. 988, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1999 PA 116.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Rogers moved that the pending amendments be considered en bloc.

The motion prevailed.

Senator Emmons offered the following amendments:

1. Amend page 2, line 23, after "electricity," by inserting "STEAM, OR".
2. Amend page 2, line 24, after "gas," by striking out "or steam," and inserting "EXCEPT FOR NATURAL OR ARTIFICIAL GAS THAT IS PURCHASED TO COMPRESS, PUMP, OR OTHERWISE PRODUCE MOTIVE POWER TO EXTRACT, GATHER WITH PIPELINES, OR TRANSPORT THROUGH PIPELINES, NATURAL GAS OR NATURAL GAS LIQUIDS,".

Senator Peters offered the following amendments:

1. Amend page 3, line 2, after “USER” by inserting a comma and “OTHER THAN A RESIDENTIAL CONSUMER OR USER,”.

2. Amend page 6, following line 21, by inserting:

“(3) ON DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL ESTIMATE THE AMOUNT OF SALES TAX THAT WAS NOT COLLECTED BECAUSE OF THE EXCLUSION OF SALES TO RESIDENTIAL CONSUMERS OR USERS FROM THE SALE OF THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY IN THE DEFINITION OF SALE AT RETAIL UNDER SUBSECTION (1)(D) AND SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE SCHOOL AID FUND THAT AMOUNT THAT WOULD HAVE OTHERWISE GONE TO THE STATE SCHOOL AID FUND UNDER SECTION 75.”.

Senator Peters offered the following amendments to the amendments:

1. Amend Senator Peters’ Amendment No. 1, page 3, line 2, after the second “USER” by inserting “OR A COMMERCIAL CONSUMER OR USER WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS”.

2. Amend Senator Peters’ Amendment No. 2, page 6, following line 21, after “USERS” by inserting “AND COMMERCIAL CONSUMERS OR USERS WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS”.

Senator A. Smith offered the following amendments:

1. Amend page 3, line 2, after “USER” by inserting a comma and “OTHER THAN A RESIDENTIAL CONSUMER OR USER,”.

2. Amend page 3, line 3, after “RESALE.” by inserting “HOWEVER, SALE AT RETAIL DOES NOT INCLUDE THE TRANSMISSION AND DISTRIBUTION OF NATURAL OR ARTIFICIAL GAS, STEAM, OR HOME HEATING FUEL, FOR A RESIDENTIAL CONSUMER OR USER.”.

3. Amend page 6, following line 21, by inserting:

“(3) ON DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL ESTIMATE THE AMOUNT OF SALES TAX THAT WAS NOT COLLECTED BECAUSE OF THE EXCLUSION OF SALES TO RESIDENTIAL CONSUMERS OR USERS FROM THE SALE OF THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY IN THE DEFINITION OF SALE AT RETAIL UNDER SUBSECTION (1)(D) AND SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE SCHOOL AID FUND THAT AMOUNT THAT WOULD HAVE OTHERWISE GONE TO THE STATE SCHOOL AID FUND UNDER SECTION 75.”.

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

1. Amend Senator A. Smith’s Amendment No. 1, page 3, line 2, after “RESIDENTIAL” by inserting “OR AGRICULTURAL”.

2. Amend Senator A. Smith’s Amendment No. 2, page 3, line 3, after “RESIDENTIAL” by inserting “OR AGRICULTURAL”.

3. Amend Senator A. Smith’s Amendment No. 3, page 6, following line 21, after “RESIDENTIAL” by inserting “OR AGRICULTURAL”.

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

1. Amend Senator A. Smith’s Amendment No. 1, page 3, line 2, after the second “USER” by inserting “OR A COMMERCIAL CONSUMER OR USER WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS”.

2. Amend Senator A. Smith’s Amendment No. 2, page 3, line 3, after “USER” by inserting “OR A COMMERCIAL CONSUMER OR USER WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS”.

3. Amend Senator A. Smith’s Amendment No. 3, page 6, following line 21, after “USERS” by inserting “AND COMMERCIAL CUSTOMERS OR USERS WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS”.

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

Senator Cherry 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. 486

Yeas—16

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hart
Jaye

Koivisto
Leland
Miller
Murphy

Peters
Smith, A.
Vaughn
Young

Nays—21

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

Excused—0**Not Voting—1**

Smith, V.

In The Chair: Schwarz

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

Roll Call No. 487**Yeas—22**

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

Nays—16

Byrum	Emerson	Leland	Smith, A.
Cherry	Hart	Miller	Smith, V.
DeBeaussaert	Jaye	Murphy	Vaughn
Dingell	Koivisto	Peters	Young

Excused—0**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Peters, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 988 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Peters’ first statement is as follows:

The bill before us will allow the continuing taxation of sales tax on electricity sold to consumers. A “no” on this bill will give a significant tax break to consumers by not allowing the sales tax to be charged as we unbundle services coming into the home as part of deregulation. Currently, there is no statutory authority to charge that tax on unbundled services from natural gas deregulation. So as natural gas deregulation goes forward and consumers are receiving unbundled natural gas, there is no statutory authority to charge any sale tax on natural gas. This bill would be a departure from that that would allow continued sales tax to be charged to electric customers. So in other words, if you heat your home with electricity, you’ll pay tax. If you heat your home with natural gas, you will not. If you have an electric range, you will pay tax. If you have a natural range, you will not. If you have an electric-powdered washing machine, you will pay tax. If it’s a gas-powered, you will not. As an issue of fairness, all consumers regardless of where that power is coming from should not have a sales tax assessed. In fact, it’s probably one of the most regressive taxes in that everybody needs either natural gas- or electricity-powered in their homes.

The amendments that were defeated, the ones particularly by Alma Wheeler Smith and myself, would have narrowed some of that and applied only to small businesses, agricultural concerns, and residential consumers—those particular consumers who need the biggest relief.

We talked about deregulation and passed the bill with a 5 percent reduction in rates to consumers. This bill will be a 4 percent reduction to consumers by eliminating that tax as you get electricity deregulated and unbundled. I would urge a “no” vote on the bill if you believe we should give tax relief to consumers, small businesses, agricultural concerns, and others.

Senator Peters’ second statement is as follows:

Well, I have to refute a little bit of what was previously said by the chair of the Finance Committee in talking about whether or not this impacts out-of-state versus in-state differently. That’s not correct. Once we get into a deregulated environment, all of the services will be unbundled for both in-state providers and out-state providers. So that means if we don’t have statutory authority to tax on an unbundled system, you won’t pay tax whether you get it from Detroit Edison, Consumers Power, or some outside interests in other states. There would be zero tax. A “no” vote would mean zero tax in a deregulated environment to consumers who buy electricity regardless of where you’re getting that electricity, whether from a local company or an out-of-state company. So a “yes” vote on this bill does maintain the status quo. That is correct. We will continue to charge the sales tax on electricity if members vote “yes” on this bill.

However, this bill gives a great opportunity for people to give a tax cut to individuals who could really use a tax cut—people who buy electricity. It tends to be a regressive tax on sales tax, impacting lower income and middle income families, who pay a larger percentage of their household budget in electricity every year than wealthy homeowners. This would give a tax break to everyone in the state of Michigan. In fact, it would be a 4 percent reduction on their utility bill—almost equal to the much hyped 5 percent cut in rates that we heard about with the deregulation package. So a “no” vote will change the status quo. It will give a tax cut to every homeowner regardless of where they get the power. A “yes” vote is a statue quo vote continuing to tax consumers. I would urge a “no” vote.

The following bill was read a third time:

Senate Bill No. 989, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 2 (MCL 205.92), as amended by 1998 PA 366. The question being on the passage of the bill,

Senator Rogers moved that the pending amendments be considered en bloc.

The motion prevailed.

Senator Emmons offered the following amendments:

1. Amend page 5, line 25, after “ELECTRICITY,” by inserting “STEAM, OR”.
2. Amend page 5, line 25, after “GAS,” by striking out “OR STEAM” and inserting “EXCEPT FOR NATURAL OR ARTIFICIAL GAS USED OR CONSUMED TO COMPRESS, PUMP, OR OTHERWISE PRODUCE MOTIVE POWER TO EXTRACT, GATHER WITH PIPELINES, TRANSPORT THROUGH PIPELINES, INJECT INTO STORAGE FIELDS, OR REMOVE FROM STORAGE FIELDS, NATURAL GAS OR NATURAL GAS LIQUIDS,”.

Senator Peters offered the following amendments:

1. Amend page 5, line 27, after "USER" by inserting a comma and "OTHER THAN A RESIDENTIAL CONSUMER OR USER,".
2. Amend page 6, line 2, after "PROVIDER." by inserting "ON DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL ESTIMATE THE AMOUNT OF USE TAX THAT WAS NOT COLLECTED BECAUSE OF THE EXCLUSION OF THE TRANSMISSION AND DISTRIBUTION TO RESIDENTIAL CONSUMERS OR USERS FROM TANGIBLE PERSONAL PROPERTY IN THIS SUBDIVISION AND SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE SCHOOL AID FUND THAT AMOUNT THAT WOULD HAVE OTHERWISE GONE TO THE STATE SCHOOL AID FUND UNDER SECTION 21.".

Senator Peters offered the following amendments to the amendments:

1. Amend Senator Peters' Amendment No. 1, page 5, line 27, after "RESIDENTIAL" by inserting "OR AGRICULTURAL".
2. Amend Senator Peters' Amendment No. 2, page 6, line 2, after "RESIDENTIAL" by inserting "OR AGRICULTURAL".

Senator Peters offered the following amendments to the amendments:

1. Amend Senator Peters' Amendment No. 1, page 5, line 27, after the second "USER" by inserting "OR A COMMERCIAL CONSUMER OR USER WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS".
2. Amend Senator Peters' Amendment No. 2, page 6, line 2, after "USERS" by inserting "AND COMMERCIAL CONSUMERS OR USERS WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS".

Senator A. Smith offered the following amendments:

1. Amend page 5, line 27, after "USER" by inserting a comma and "OTHER THAN A RESIDENTIAL CONSUMER OR USER,".
2. Amend page 6, line 2, after "PROVIDER." by inserting "HOWEVER, TANGIBLE PERSONAL PROPERTY DOES NOT INCLUDE THE TRANSMISSION AND DISTRIBUTION OF NATURAL OR ARTIFICIAL GAS, STEAM, OR HOME HEATING FUEL, FOR A RESIDENTIAL CONSUMER OR USER. ON DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL ESTIMATE THE AMOUNT OF USE TAX THAT WAS NOT COLLECTED BECAUSE OF THE EXCLUSION OF THE TRANSMISSION AND DISTRIBUTION TO RESIDENTIAL CONSUMERS OR USERS FROM TANGIBLE PERSONAL PROPERTY IN THIS SUBDIVISION AND SHALL TRANSFER FROM THE GENERAL FUND TO THE STATE SCHOOL AID FUND THAT AMOUNT THAT WOULD HAVE OTHERWISE GONE TO THE STATE SCHOOL AID FUND UNDER SECTION 21.".

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

1. Amend Senator A. Smith's Amendment No. 1, page 5, line 27, after "RESIDENTIAL" by inserting "OR AGRICULTURAL".
2. Amend A. Smith's Amendment No. 2, page 6, line 2, after the first "RESIDENTIAL" by inserting "OR AGRICULTURAL".
3. Amend Senator A. Smith's Amendment No. 2, page 6, line 2, after the second "RESIDENTIAL" by inserting "OR AGRICULTURAL".

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

1. Amend A. Smith's Amendment No. 1, page 5, line 27, after the second "USER" by inserting "OR A COMMERCIAL CONSUMER OR USER WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS".
2. Amend A. Smith's Amendment No. 2, page 6, line 2, after "USER" by inserting "AND COMMERCIAL CUSTOMERS OR USERS WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS".
3. Amend Senator A. Smith's Amendment No. 2, page 6, line 2, after "USERS" by inserting "AND COMMERCIAL CUSTOMERS OR USERS WITH ANNUAL PEAK DEMANDS OF LESS THAN 15 KILOWATTS".

The question being on the adoption of the amendments,

Senator Peters moved that the question be divided and that a separate vote be taken on the amendments he offered. 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 did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 488

Yeas—15

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—23

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schuetter	Van Regenmorter
Gast	Johnson	Schwarz	

Excused—0**Not Voting—0**

In The Chair: Schwarz

The question being on the adoption of the amendments,
 Senator A. Smith moved that the question be divided and that a separate vote be taken on the amendments she offered.

On which motion Senator A. Smith requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 489**Yeas—15**

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

Nays—23

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schuetter	Van Regenmorter
Gast	Johnson	Schwarz	

Excused—0**Not Voting—0**

In The Chair: Schwarz

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

Protests

Senators Peters and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to consider pending amendments to Senate Bill No. 989 en bloc.

Senator Peters' statement, in which Senator A. Smith concurred, is as follows:

Mr. President, I would like to speak on the amendments here before us. It's unfortunate the majority party wouldn't allow us to separate the amendments out because I would have simply withdrawn the amendments, and we would have been able to move along with the important business of the day quite a few minutes ago had we not played those games. So with the amendments as they are right now, I'm going to urge a "no" vote on these amendments.

Unfortunately, the previous bill was passed over my objections, which we could have had an opportunity to give a tax break to consumers in Michigan on their electric bill, and had we voted "no" on both of these bills, consumers would have had that break whether they had an in-state company or an out-state company. However, with passage of Senate Bill No. 988, there will continue to be a sales tax levied on consumers who buy electricity from an in-state company. It certainly, therefore, is not fair to give a tax break to individuals who are buying electricity from a company out-state. And that's what the use tax involves, which is the bill before us—Senate Bill No. 989. I don't believe these amendments should go on. There should not be a tax cut for people who buy out-of-state electricity if they do not get that same tax break from an in-state company, which was the previous bill.

So because the previous bill passed, I would urge a "no" vote on these amendments. I wish I would have had the opportunity to withdraw them. We could have moved along with the important business of the day much quicker, but I would urge a "no" vote and a "yes" vote on the bill.

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. 490

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	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuette	Vaughn
Emerson	Leland	Schwarz	Young
Emmons			

Nays—1

Jaye

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

House Bill No. 4784, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 62b (MCL 791.262b), as amended by 1988 PA 492.

(This bill was read a third time earlier today and consideration postponed. See p. 1137.)

The question being on the passage of the bill,

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

1. Amend page 2, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 20g. (1) The department may establish a youth correctional facility which shall house only prisoners committed to the jurisdiction of the department who are 19 years of age or less. IF THE DEPARTMENT ESTABLISHES OR CONTRACTS WITH A PRIVATE VENDOR FOR THE OPERATION OF A YOUTH CORRECTIONAL FACILITY, FOLLOWING INTAKE PROCESSING IN A DEPARTMENT OPERATED FACILITY, THE DEPARTMENT SHALL HOUSE ALL MALE PRISONERS WHO ARE 16 YEARS OF AGE OR LESS AT THE YOUTH CORRECTIONAL FACILITY UNLESS THE DEPARTMENT DETERMINES THAT THE PRISONER SHOULD BE HOUSED AT A DIFFERENT FACILITY FOR REASONS OF SECURITY, SAFETY, OR BECAUSE OF THE PRISONER'S SPECIALIZED PHYSICAL OR MENTAL HEALTH CARE NEEDS. ~~and who were within the jurisdiction of 1 of the following courts:~~

~~(a) The circuit court or the recorder's court of the city of Detroit under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, or section 10a(1)(e) of 1919 PA 369, MCL 725.10a.~~

~~(b) The court having general criminal jurisdiction pursuant to a waiver of jurisdiction by the juvenile division of the probate court or the family division of circuit court under section 4 of chapter XHA of 1939 PA 288, MCL 712A.4.~~

~~(c) The juvenile division of the probate court or the family division of circuit court in a case designated under section 2d of chapter XHA of 1939 PA 288, MCL 712A.2d.~~

(2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PRISONER WHO IS 16 YEARS OF AGE OR LESS AND HOUSED AT A YOUTH CORRECTIONAL FACILITY SHALL ONLY BE PLACED IN A GENERAL POPULATION HOUSING UNIT WITH PRISONERS WHO ARE 16 YEARS OF AGE OR LESS.

(3) A PRISONER WHO BECOMES 17 YEARS OF AGE WHILE BEING HOUSED AT A YOUTH CORRECTIONAL FACILITY AND WHO HAS A SATISFACTORY PRISON RECORD MAY REMAIN IN A GENERAL POPULATION HOUSING UNIT FOR NO MORE THAN 1 YEAR WITH PRISONERS WHO ARE 16 YEARS OF AGE OR LESS.

(4) EXCEPT AS PROVIDED IN SUBSECTION (3), A PRISONER WHO IS 16 YEARS OF AGE OR LESS AND HOUSED AT A YOUTH CORRECTIONAL FACILITY SHALL NOT BE ALLOWED TO BE IN THE PROXIMITY OF A PRISONER WHO IS 17 YEARS OF AGE OR MORE WITHOUT THE PRESENCE AND DIRECT SUPERVISION OF CUSTODY PERSONNEL IN THE IMMEDIATE VICINITY.

(5) ~~(2)~~ The department may establish and operate the youth correctional facility or may contract on behalf of the state with a private vendor for the construction or operation, or both, of the youth correctional facility. If the department contracts with a private vendor to construct, rehabilitate, develop, renovate, or operate any existing or anticipated facility pursuant to this section, the department shall require a written certification from the private vendor regarding all of the following:

(a) If practicable to efficiently and effectively complete the project, the private vendor shall follow a competitive bid process for the construction, rehabilitation, development, or renovation of the facility, and this process shall be open to all Michigan residents and firms. The private vendor shall not discriminate against any contractor on the basis of its affiliation or nonaffiliation with any collective bargaining organization.

(b) The private vendor shall make a good faith effort to employ, if qualified, Michigan residents at the facility.

(c) The private vendor shall make a good faith effort to employ or contract with Michigan residents and firms to construct, rehabilitate, develop, or renovate the facility.

(6) ~~(3)~~ If the department contracts with a private vendor for the operation of the youth correctional facility, the department shall require by contract that the personnel employed by the private vendor in the operation of the facility be certified as correctional officers to the same extent as would be required if those personnel were employed in a

correctional facility operated by the department. The department also shall require by contract that the private vendor meet requirements specified by the department regarding security, protection of the public, inspections by the department, programming, liability and insurance, conditions of confinement, educational services required under subsection ~~(8)~~ (11), and any other issues the department considers necessary for the operation of the youth correctional facility. The department shall also require that the contract include provisions to protect the public's interest if the private vendor defaults on the contract. Before finalizing a contract with a private vendor for the construction or operation of the youth correctional facility, the department shall submit the proposed contract to the standing committees of the senate and the house of representatives having jurisdiction of corrections issues, the corrections subcommittees of the standing committees on appropriations of the senate and the house of representatives, and, with regard to proposed construction contracts, the joint committee on capital outlay. A contract between the department and a private vendor for the construction or operation of the youth correctional facility shall be contingent upon appropriation of the required funding. If the department contracts with a private vendor under this section, the selection of that private vendor shall be by open, competitive bid.

(7) ~~(4)~~ The department shall not site a youth correctional facility under this section in a city, village, or township unless the local legislative body of that city, village, or township adopts a resolution approving the location.

(8) ~~(5)~~ A private vendor operating a youth correctional facility under a contract under this section shall not do any of the following, unless directed to do so by the department policy:

- (a) Calculate inmate release and parole eligibility dates.
- (b) Award good time or disciplinary credits, or impose disciplinary time.
- (c) Approve inmates for extensions of limits of confinement.

(9) ~~(6)~~ The youth correctional facility shall be open to visits during all business hours, and during nonbusiness hours unless an emergency prevents it, by any elected state senator or state representative.

(10) ~~(7)~~ Once each year, the department shall report on the operation of the facility. Copies of the report shall be submitted to the chairpersons of the house and senate committees responsible for legislation on corrections or judicial issues, and to the clerk of the house of representatives and the secretary of the senate.

(11) ~~(8)~~ Regardless of whether the department itself operates the youth correctional facility or contracts with a private vendor to operate the youth correctional facility, all of the following educational services shall be provided for juvenile prisoners housed at the facility who have not earned a high school diploma or received a general education certificate (GED):

(a) The department or private vendor shall require that a prisoner whose academic achievement level is not sufficient to allow the prisoner to participate effectively in a program leading to the attainment of a GED certificate participate in classes that will prepare him or her to participate effectively in the GED program, and shall provide those classes in the facility.

(b) The department or private vendor shall require that a prisoner who successfully completes classes described in subdivision (a), or whose academic achievement level is otherwise sufficient, participate in classes leading to the attainment of a GED certificate, and shall provide those classes.

(12) ~~(9)~~ Neither the department nor the private vendor shall seek to have the youth correctional facility authorized as a public school academy under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(13) ~~(10)~~ A private vendor that operates the youth correctional facility under a contract with the department shall provide written notice of its intention to discontinue its operation of the facility. This subsection does not authorize or limit liability for a breach or default of contract. If the reason for the discontinuance is that the private vendor intends not to renew the contract, the notice shall be delivered to the director of the department at least 1 year before the contract expiration date. If the discontinuance is for any other reason, the notice shall be delivered to the director of the department at least 6 months before the date on which the private vendor will discontinue its operation of the facility. This subsection does not authorize or limit liability for a breach or default of contract.”.

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. 491

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
Dunaskiss
Emerson
Emmons

Jaye
Johnson
Koivisto
Leland

Rogers
Schuette
Schwarz

Van Regenmorter
Vaughn
Young

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.

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

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 20g and 62b (MCL 791.220g and 791.262b), section 20g as amended by 1998 PA 512 and section 62b as amended by 1988 PA 492.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 4881, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520c and 520e (MCL 750.520c and 750.520e), section 520c as amended by 1983 PA 158 and section 520e as amended by 1996 PA 155.

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. 492

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeussaert
DeGrow
Dingell
Emerson
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

Shugars
Sikkema
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Dunaskiss

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

Messages from the House

Senate Bill No. 937, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act,” by amending the title and section 6l (MCL 460.6l), the title as amended by 1989 PA 2 and section 6l as added by 1982 PA 304, and by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10p, 10q, 10r, 10s, 10t, 10u, 10v, 10w, 10x, 10y, 10aa, 10bb, and 10cc.

The House of Representatives has concurred in the Senate amendment to the House amendments.

Pursuant to a previous order, the bill was ordered enrolled on June 1, 2000.

Senate Bill No. 1274, 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 sections 10, 10o, and 11 (MCL 247.660, 247.660o, and 247.661), sections 10 and 11 as amended and section 10o as added by 1998 PA 308, and by adding section 20b.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 4, after "subdivision" by striking out "(J)" and inserting "(I)".
2. Amend page 5, following line 3, by striking out all of subdivision (I) and relettering the remaining subdivision.
3. Amend page 5, line 6, after "through" by striking out "(I)" and inserting "(H)".
4. Amend page 5, line 13, after "state" by striking out the balance of the subparagraph and inserting a period.
5. Amend page 8, line 20, after "REGARDING" by striking out the balance of the line through "OR" on line 21.
6. Amend page 8, following line 22, following section 11, by striking out all of section 20B.

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

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10, 10o, and 11 (MCL 247.660, 247.660o, and 247.661), sections 10 and 11 as amended and section 10o as added by 1998 PA 308.

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

Senate Bill No. 1209, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 102, 224, 240, and 2213 (MCL 500.102, 500.224, 500.240, and 500.2213), section 224 as amended by 1998 PA 121, section 240 as amended by 1987 PA 261, and section 2213 as added by 1996 PA 517, and by adding chapter 35; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 13, line 13, by striking out "45" and inserting "25".
2. Amend page 13, line 15, by striking out "45-CALENDAR-DAY" and inserting "25-CALENDAR-DAY".
3. Amend page 13, line 17, after "procedure" by inserting "AND FOR A PERIOD OF TIME THAT SHALL NOT EXCEED 5 DAYS IF THE INSURER OR HEALTH MAINTENANCE ORGANIZATION HAS NOT RECEIVED REQUESTED INFORMATION FROM A HEALTH CARE FACILITY OR HEALTH PROFESSIONAL".
4. Amend page 32, line 24, after "PRACTICE" by striking out "MEDICINE".

5. Amend page 33, line 5, after "MEDICAL" by inserting "OR OTHER APPROPRIATE".

6. Amend page 33, line 19, after "PRACTICE" by striking out "MEDICINE".

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. 796, entitled

A bill to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," by amending section 261 (MCL 206.261), as amended by 1996 PA 484.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-1).

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

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received:

Date: June 3, 2000

Time: 10:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 937 (Public Act No. 141), being

An act to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," by amending the title and section 6l (MCL 460.6l), the title as amended by 1989 PA 2 and section 6l as added by 1982 PA 304, and by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10p, 10q, 10r, 10s, 10t, 10u, 10v, 10w, 10x, 10y, 10aa, 10bb, and 10cc.

(Filed with the Secretary of State on June 5, 2000, at 11:18 a.m.)

Date: June 3, 2000

Time: 10:53 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1253 (Public Act No. 142), being

An act to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 10h, 10i, 10j, 10k, 10l, 10m, 10n, 10o, and 10z.

(Filed with the Secretary of State on June 5, 2000, at 11:20 a.m.)

Date: June 6, 2000
Time: 10:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 269 (Public Act No. 143), being

An act to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” (MCL 208.1 to 208.145) by adding section 38g.

(Filed with the Secretary of State on June 6, 2000, at 11:00 a.m.)

Respectfully,
John Engler
Governor

The following message from the Governor was received and read:

June 1, 2000

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

Ski Area Safety Board

Mr. James P. Kiefer, 1040 Roxburgh, East Lansing, Michigan 48823, county of Ingham, as a member representing the Central U.S. Ski Association, succeeding himself, for a term expiring on June 8, 2004.

Mr. Nicholas Scott Sirdenis, 512 Geneva, Ironwood, Michigan 49938, county of Gogebic, as a member representing Upper Peninsula ski area managers, succeeding himself, for a term expiring on June 8, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of
Conference Reports

House Bill No. 5058, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 15 (MCL 169.215), as amended by 1996 PA 590.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

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

House Bill No. 5058, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 15 (MCL 169.215), as amended by 1996 PA 590.

Recommends:

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

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

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 15 (MCL 169.215), as amended by 1999 PA 238.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 15. (1) The secretary of state shall do all of the following:

(a) Make available through his or her offices, and furnish to county clerks, appropriate forms, instructions, and manuals required by this act.

(b) Develop a filing, coding, and cross-indexing system for the filing of required reports and statements consistent with the purposes of this act, and supervise the implementation of the filing systems by the clerks of the counties.

- (c) Receive all statements and reports required by this act to be filed with the secretary of state.
- (d) Prepare forms, instructions, and manuals required under this act.
- (e) Promulgate rules and issue declaratory rulings to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(f) Upon receipt of a written request and the required filing, waive payment of a late filing fee if the request for the waiver is based on good cause and accompanied by adequate documentation. One or more of the following reasons constitute good cause for a late filing fee waiver:

(i) The incapacitating physical illness, hospitalization, accident involvement, death, or incapacitation for medical reasons of a person required to file, a person whose participation is essential to the preparation of the statement or report, or a member of the immediate family of these persons.

(ii) Other unique, unintentional factors beyond the filer's control not stemming from a negligent act or nonaction so that a reasonably prudent person would excuse the filing on a temporary basis. These factors include the loss or unavailability of records due to a fire, flood, theft, or similar reason and difficulties related to the transmission of the filing to the filing official, such as exceptionally bad weather or strikes involving transportation systems.

(2) A declaratory ruling shall be issued under this section only if the person requesting the ruling has provided a reasonably complete statement of facts necessary for the ruling or if ~~the secretary of state has permitted~~ the person requesting the ruling ~~an opportunity to supply~~ HAS, WITH THE PERMISSION OF THE SECRETARY OF STATE, SUPPLIED supplemental facts necessary for the ruling. A request for a declaratory ruling that is submitted to the secretary of state shall be made available for public inspection within 48 hours after its receipt. An interested person may submit written comments regarding the request to the secretary of state within 10 business days after the date the request is made available to the public. Within 45 business days after receiving a declaratory ruling request, the secretary of state shall make a proposed response available to the public. An interested person may submit written comments regarding the proposed response to the secretary of state within 5 business days after the date the proposal is made available to the public. Except as otherwise provided in this section, the secretary of state shall issue a declaratory ruling within 60 business days after a request for a declaratory ruling is received. If the secretary of state refuses to issue a declaratory ruling, the secretary of state shall notify the person making the request of the reasons for the refusal. The secretary of state may issue an interpretative statement providing an informational response to the question presented. A declaratory ruling or interpretative statement issued under this section shall not state a general rule of law, other than that which is stated in this act, until the general rule of law is promulgated by the secretary of state as a rule pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or pursuant to judicial order.

(3) Under extenuating circumstances, the secretary of state may issue a notice extending for not more than 30 business days the period during which the secretary of state shall respond to a request for a declaratory ruling. The secretary of state shall not issue more than 1 notice of extension for a particular request. A person requesting a declaratory ruling may waive, in writing, the time limitations provided by this section.

(4) The secretary of state shall make available to the public an annual summary of the declaratory rulings and interpretative statements issued by the secretary of state.

(5) A person may file WITH THE SECRETARY OF STATE a complaint ~~with the secretary of state alleging~~ THAT ALLEGES a violation of this act. Within 5 business days after a complaint THAT MEETS THE REQUIREMENTS OF SUBSECTION (6) is filed, the secretary of state shall give notice to the person against whom the complaint is filed. The notice shall include a copy of the complaint. Within 15 business days after this notice is provided, the person against whom the complaint was filed may submit to the secretary of state a response. The secretary of state may extend the period for submitting a response an additional 15 business days for good cause. The secretary of state shall provide a copy of a response received to the complainant. Within 10 business days after receiving a copy of the response, the complainant may submit to the secretary of state a rebuttal statement. The secretary of state may extend the period for submitting a rebuttal statement an additional 10 business days for good cause. The secretary of state shall provide a copy of the rebuttal statement to the person against whom the complaint was filed.

(6) A COMPLAINT UNDER SUBSECTION (5) SHALL SATISFY ALL OF THE FOLLOWING REQUIREMENTS:

(A) BE SIGNED BY THE COMPLAINANT.

(B) STATE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE COMPLAINANT.

(C) INCLUDE THE COMPLAINANT'S CERTIFICATION THAT, TO THE BEST OF THE COMPLAINANT'S KNOWLEDGE, INFORMATION, AND BELIEF, FORMED AFTER A REASONABLE INQUIRY UNDER THE CIRCUMSTANCES, EACH FACTUAL CONTENTION OF THE COMPLAINT IS SUPPORTED BY EVIDENCE. HOWEVER, IF, AFTER A REASONABLE INQUIRY UNDER THE CIRCUMSTANCES, THE COMPLAINANT IS UNABLE TO CERTIFY THAT CERTAIN FACTUAL CONTENTIONS ARE SUPPORTED BY EVIDENCE, THE COMPLAINANT MAY CERTIFY THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, INFORMATION, OR BELIEF, THERE ARE GROUNDS TO CONCLUDE THAT THOSE SPECIFICALLY IDENTIFIED FACTUAL CONTENTIONS ARE LIKELY TO BE SUPPORTED BY EVIDENCE AFTER A REASONABLE OPPORTUNITY FOR FURTHER INQUIRY.

(7) THE SECRETARY OF STATE SHALL DEVELOP A FORM THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (6) AND MAY BE USED FOR THE FILING OF COMPLAINTS.

(8) A PERSON WHO FILES A COMPLAINT WITH A FALSE CERTIFICATE UNDER SUBSECTION (6)(C) IS RESPONSIBLE FOR A CIVIL VIOLATION OF THIS ACT. A PERSON MAY FILE A COMPLAINT UNDER SUBSECTION (5) ALLEGING THAT ANOTHER PERSON HAS FILED A COMPLAINT WITH A FALSE CERTIFICATE UNDER SUBSECTION (6)(C).

(9) The secretary of state shall investigate the allegations pursuant to the rules promulgated under this act. Every 60 days after a complaint THAT MEETS THE REQUIREMENTS OF SUBSECTION (6) is filed and until the matter is terminated, the secretary of state shall mail to the complainant and to the alleged violator notice of the action taken to date by the secretary of state, together with the reasons for the action or nonaction.

(10) If the secretary of state determines that there may be reason to believe that a violation of this act has occurred, the secretary of state shall endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the person involved. Unless violated, a conciliation agreement is a complete bar to any further action with respect to matters covered in the conciliation agreement. If the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state may refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act or commence a hearing pursuant to subsection ~~(6)~~ (11).

(11) ~~(6)~~ The secretary of state may commence a hearing to determine whether a civil violation of this act has occurred. A hearing shall not be commenced during the period beginning 30 days before an election in which the committee has received or expended money and ending the day after that election except with the consent of the person suspected of committing a civil violation. The hearing shall be conducted in accordance with the procedures set forth in chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If after a hearing the secretary of state determines that a violation of this act has occurred, the secretary of state may issue an order requiring the person to pay a civil fine equal to the amount of the improper contribution or expenditure plus not more than \$1,000.00 for each violation. A final decision and order issued by the secretary of state is subject to judicial review as provided by chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306. The secretary of state shall deposit a civil fine imposed under this section in the general fund. The secretary of state may bring an action in circuit court to recover the amount of a civil fine.

(12) ~~(7)~~ When a report or statement is filed pursuant to this act, the secretary of state shall review the report or statement and may investigate an apparent violation of this act pursuant to the rules promulgated under this act. If the secretary of state determines that there may be reason to believe a violation of this act has occurred and the procedures prescribed in subsection ~~(5)~~ (10) have been complied with, the secretary of state may refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act, or commence a hearing under subsection ~~(6)~~ (11) to determine whether a civil violation of this act has occurred.

(13) ~~(8)~~ Unless otherwise specified in this act, a person who violates a provision of this act is subject to a civil fine of not more than \$1,000.00 for each violation. Civil fines are in addition to, but not limited by, any criminal penalty prescribed by this act.

(14) IN ADDITION TO ANY OTHER SANCTION PROVIDED FOR BY THIS ACT, THE SECRETARY OF STATE MAY REQUIRE A PERSON WHO FILES A COMPLAINT WITH A FALSE CERTIFICATE UNDER SUBSECTION (6)(C) TO DO EITHER OR BOTH OF THE FOLLOWING:

(A) PAY TO THE SECRETARY OF STATE SOME OR ALL OF THE EXPENSES INCURRED BY THE SECRETARY OF STATE AS A DIRECT RESULT OF THE FILING OF THE COMPLAINT.

(B) PAY TO THE PERSON AGAINST WHOM THE COMPLAINT WAS FILED SOME OR ALL OF THE EXPENSES, INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEY FEES INCURRED BY THAT PERSON IN PROCEEDINGS UNDER THIS ACT AS A DIRECT RESULT OF THE FILING OF THE COMPLAINT.

(15) ~~(9)~~ There is no private right of action, either in law or in equity, pursuant to this act. The remedies provided in this act are the exclusive means by which this act may be enforced and by which any harm resulting from a violation of this act may be redressed.

(16) ~~(10)~~ The secretary of state may waive the filing of a campaign statement required under section 33, 34, or 35 if the closing date of the particular campaign statement falls on the same or a later date as the closing date of the next campaign statement filed by the same person, or if the period that would be otherwise covered by the next campaign statement filed by the same person is 10 days or less.

(17) ~~(11)~~ The clerk of each county shall do all of the following:

(a) Make available through the county clerk's office the appropriate forms, instructions, and manuals required by this act.

(b) Under the supervision of the secretary of state, implement the filing, coding, and cross-indexing system prescribed for the filing of reports and statements required to be filed with the county clerk's office.

(c) Receive all statements and reports required by this act to be filed with the county clerk's office.

(d) Upon written request, waive the payment of a late filing fee if the request for a waiver is based on good cause as prescribed in subsection (1)(f).

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

A bill to amend 1976 PA 388, entitled "An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," by amending section 15 (MCL 169.215), as amended by 1999 PA 238.

Michael Bishop
Bruce Patterson
Elizabeth S. Brater
Conferees for the House

Thaddeus G. McCotter
Beverly S. Hammerstrom
Conferees for the Senate

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 180

Senate Resolution No. 181

Senate Resolution No. 183

Senate Resolution No. 184

Senate Resolution No. 185

The resolution consent calendar was adopted.

Senators Gast, McManus and Koivisto offered the following resolution:

Senate Resolution No. 180.

A resolution honoring Herbert Burns upon his retirement as Chief of the Law Enforcement Division of the Department of Natural Resources.

Whereas, It is with great pleasure that the members of the Michigan Senate offer thanks to Herb Burns for his 34 years of service to the people and the natural resources of this state; and

Whereas, Herb began his career with the Department of Natural Resources as a conservation officer assigned to Barry County in 1966. In 1970, Herb was promoted to the rank of area law supervisor, overseeing the conservation law enforcement program in Muskegon and Ottawa Counties. In 1973, he was recognized as the Shakir Safari Club International's Wildlife Officer of the Year. In 1977, Herb was promoted to district law supervisor in Cadillac. In 1984, he was advanced to assistant law enforcement division chief, and the following year, then-Director Ronald Skoog, named Herb the chief of the division; and

Whereas, As chief of the Law Enforcement Division, Herb worked diligently to assure that Michigan's conservation officers were one of the best equipped and trained law enforcement agencies in the nation; and

Whereas, Herb has committed the Law Enforcement Division to a path of providing its officers with the most technologically advanced means of helping to assure excellent resource protection, officer safety, and communications; and

Whereas, Mr. Burns has been an active participant in national and international organizations whose goals are the protection of the natural resources and the advancement of resource law enforcement. Herb is a member of the Association of Midwest Fish and Game Law Enforcement Officers and served as the president in 1999. Chief Burns is also a member of the National Association of Conservation Law Enforcement Chiefs. In addition to his many years as Michigan's state boating law administrator, Herb was actively involved in representing Michigan at the national level in marine matters; and

Whereas, Chief Burns has been honored by the Department of Natural Resources and the Criminal Justice Women of Michigan for his devoted efforts aimed at maintaining a diverse and representative workforce; and

Whereas, Leading by example, Herb has unwaveringly demanded that Michigan's conservation officers enforce the laws that protect Michigan's resources and environment in a fair, impartial, and lawful manner; now, therefore, be it

Resolved by the Senate, That a unanimous expression of tribute and gratitude be accorded honoring Herbert Burns on the occasion of his retirement as Chief of the Law Enforcement Division of the Department of Natural Resources; and be it further

Resolved, That a copy of this resolution be transmitted to Herbert Burns as evidence of our best wishes and appreciation for his 34 years of service and dedication to the people of the state of Michigan.

Senator Young offered the following resolution:

Senate Resolution No. 181.

A resolution commemorating the month of July as Negro Baseball League Month in Michigan.

Whereas, It is important that we honor and pay tribute to the many outstanding baseball players who exhibited their many talents by playing in the Negro Baseball Leagues; and

Whereas, The world existed for a half-century where the best black players were not allowed to play on the same field with the best white players. During this era of separation, there were two parallel major leagues that coexisted until the eradication of baseball's color line when Jackie Robinson signed a Brooklyn Dodger contract in 1947. This marked the beginning of the end to segregated baseball leagues; and

Whereas, Obviously, there were many great black baseball players who were required by custom and circumstance to play in their own separate leagues. Players like Leroy "Satchel" Paige, Josh Gibson, James "Cool Papa" Bell, and Norman "Turkey" Stearnes, who was recently named into the Baseball Hall of Fame, entertained and astonished their spectators with their outstanding athletic abilities; and

Whereas, The Negro Baseball Leagues all-star games from 1933 to 1948 became the biggest black sports attraction in the country. Following the demise of the two most prominent Negro leagues, after major league baseball was re-integrated, black teams continued to play for several years, though many of the players were no longer of major league caliber as the talented, younger black players were signed by the white major league franchises. It should also be noted that the interest of black fans was quickly drawn away from the Negro Baseball Leagues as they focused their interest on the performance of Jackie Robinson and other black pioneers in the major leagues; and

Whereas, It is only fitting that we recognize and honor the many great players and the astounding talent exhibited in the Negro Baseball Leagues. To date, 17 Negro Baseball League stars have been inducted into the National Baseball Hall of Fame. These dedicated and gifted members of the Negro Baseball League deserve our acknowledgment and recognition; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the month of July as Negro Baseball League Month in Michigan.

Senator V. Smith offered the following resolution:

Senate Resolution No. 183.

A resolution to recognize the accomplishments of Sheila Walker Myles.

Whereas, It is with great joy that we join the family, friends, and citizens of the state of Michigan in saluting Ms. Sheila Walker Myles for her contributions to our community. With over 21 years of service, Sheila has earned the respect of the entire state as a legal professional and philanthropist, where she has served steadfastly. We would like to thank her for her dedication to the residents of our great state; and

Whereas, The service provided to our communities by attorneys is invaluable. This was displayed by Sheila in her service with the U.S. Department of Housing and Urban Development. In this capacity, Sheila served as an attorney, and she has often gone above the call of duty with different programs that she facilitated. Ms. Myles has also rendered service to the state with prestige as the president of the Wolverine Bar Association from 1999-2000; and

Whereas, With her immense philanthropic activity, the state of Michigan has truly been privileged to have an exemplary guardian and protector such as Ms. Myles. More important, her family has been fortunate to have such a devoted woman as its leader; and

Whereas, The dedication, hard work, good judgment, and friendliness that Sheila has shown her family and profession are just a few contributions she has brought to the legal field. We are proud to join with the citizens of our great state, friends, co-workers, and family in saluting Sheila's successful career; now, therefore, be it

Resolved by the Senate, That we commend and congratulate Ms. Sheila Walker Myles for the successful accomplishments she has achieved in the legal profession; and be it further

Resolved, That a copy of this resolution be transmitted to Sheila Walker Myles in recognition of her outstanding work and as a reflection of the high esteem we have for her.

Senator V. Smith offered the following resolution:

Senate Resolution No. 184.

A resolution to recognize the accomplishments of Margaret E. Baylor.

Whereas, It is with great joy that we join the family, friends, and citizens of the state of Michigan in saluting Margaret E. Baylor for her contributions to our community. With over 27 years of service, Margaret has earned the respect of the entire state as a legal professional and philanthropist. We would like to thank Margaret for her dedication to the residents of our great state; and

Whereas, The service that attorneys provide to our communities is immeasurable. This is displayed by Margaret in her service to the legal profession. In this capacity, she has served in private practice, as a magistrate, a professor, and a law clerk. Ms. Baylor has also rendered service to the state with prestige and distinction as a member of various committees such as the Free South Africa Movement, state of Michigan divestiture committee, and decentralization study commission, as well as being the president of the Association of Black Judges of Michigan; and

Whereas, The state of Michigan has truly been privileged to have a person with Margaret's tremendous sense of political and legal identity. Even more important, her family has been fortunate to have such a devoted leader; and

Whereas, Dedication, hard work, good judgment, and friendliness are just a few contributions Margaret has brought with her to both the legal and political fields. Her family and profession should be praised. We are proud to join with the citizens of our great state, friends, co-workers, and family in saluting Ms. Baylor for her successful career; now, therefore, be it

Resolved by the Senate, That we commend and congratulate Ms. Margaret E. Baylor for the successful accomplishments she has achieved in the legal profession; and be it further

Resolved, That a copy of this resolution be transmitted to Margaret E. Baylor in recognition of her outstanding work and as a reflection of the high esteem we have for her.

Senators DeBeaussaert, Miller and Jaye offered the following resolution:

Senate Resolution No. 185.

A resolution honoring Bernard Giampetroni upon the occasion of his retirement from the Macomb County Planning and Economic Development Department.

Whereas, It is a great pleasure to extend this expression of our thanks and best wishes to Bernard Giampetroni upon the occasion of his retirement from the Macomb County Planning and Economic Development Department. With the commitment he has given to Macomb County over the years, he has exhibited the highest standards of citizenship and unselfishness. We join with his family, colleagues, and friends in honoring him during a special celebration on June 8, 2000; and

Whereas, When Mr. Giampetroni came to work in Macomb County 35 years ago, he started by consolidating the planning duties of 27 Macomb County municipalities into a single county planning department. In 1982, he became the director of the county Planning and Economic Development Department. In that role, Mr. Giampetroni handled a \$5-million annual budget and 50 employees. He and his talented staff dealt with various issues facing Macomb County such as airports, landfills, mass transit, and the expansion of M-59; and

Whereas, Through the years, Mr. Giampetroni's department has earned many "good government" awards from the National Association of Counties. He has been approached with lucrative job offers from other counties, always turning them down to stay with Macomb County. His work ethic, loyalty, and humility will be greatly missed; and

Whereas, Mr. Giampetroni's knowledge has been tapped by countless officials in Macomb County as well as officials in neighboring counties who sought his advice. His wisdom, professionalism, and generosity have earned him widespread acclaim and our deepest appreciation. His example will long be remembered and appreciated by all who have come in contact with him; now, therefore, be it

Resolved by the Senate, That we honor and congratulate Bernard Giampetroni as he retires from the Macomb County Planning and Economic Development Department. May the kindnesses he has shared with others be returned to him many times over; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Giampetroni as evidence of our respect and admiration.

Senators Byrum and Young offered the following resolution:

Senate Resolution No. 182.

A resolution to memorialize the Congress of the United States to strengthen federal laws and regulations regarding the sale of prescription drugs over the Internet.

Whereas, Along with the remarkable benefits that the Internet provides in offering information on health care, there are significant concerns over the possible damage being done through web sites that enable people to purchase prescription drugs without a doctor's involvement. This situation has far-reaching implications to public health and safety, especially as it jeopardizes children; and

Whereas, Across the country there are reports of unscrupulous sellers of prescription medications using the Internet. According to media reports and information provided to Congress by the Federal Trade Commission, some of these sites do not require the involvement of a licensed physician. Others make only token efforts to follow conventional medical practices of reviewing a consumer's health and medication history; and

Whereas, The potential for damage to the public is considerable when medications, including narcotics and other powerful drugs, are sold outside of the traditional regulatory structure. In addition to the damage from the Internet sites that act much like drug dealers, consumers are at risk from the adverse interaction of medications. Children are most at risk from these sales, particularly as adult dosages are provided; and

Whereas, In addition to the states, several federal agencies have a strong stake in working together to tighten the loopholes that permit illegal on-line sales of medication. These include the Federal Trade Commission, the Food and Drug Administration, and the Drug Enforcement Agency. Clearly, there is a compelling need to strengthen laws and rules applying to on-line sales of prescription medication; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to strengthen federal laws and regulations regarding the sale of prescription drugs over the Internet; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Byrum's statement is as follows:

Today, I introduced bills that will better enable Michigan prosecutors to seek justice. They will do this by providing the prosecutors with more tools by which they might indict those suspected of a crime. One of the bills would extend the statute of limitations for indictments of sexual misconduct crimes to ten years. The second will permit prosecutors to indict a person based on their DNA profile regardless of whether the identifying information is known.

According to FBI statistics, there were an estimated 93,000 rapes in 1998. Fewer than one half of these crimes were solved. By using genetic technology, evidence obtained at a crime scene may later be compared with the genetic information of a suspect. However, this process must be done in a timely fashion. Currently, prosecutors often wait weeks for test results. In the meantime, suspected criminals stay on the streets.

Consequently, along with two bills that I am introducing today needs to be a commitment by this Legislature to adequately fund the State Police lab. The lab continues to operate with a monthly backlog of 20-40 new cases. And as the body may recall, I had offered an amendment to the State Police budget that would have increased this line item appropriation by \$50,000. Additionally, the lab has another backlog of some 15,000 samples from resolved cases that need to be tested and stored in the data bank. We must increase funding for the lab so that we might eliminate this backlog.

If we are serious about curbing crime, we will take advantage of the new advancements DNA testing permits and extend the statute of limitations for sexual misconduct crimes while permitting prosecutors to make indictments based on a DNA profile. We must also adequately fund the State Police lab that is responsible for testing these DNA samples.

On a different subject, I have additionally introduced a bill that would prohibit the prescribing of prescription drugs over the Internet. This bill recognizes that thousands of prescriptions a year are improperly filled over the Internet. As a result, consumers have access to drugs that are often not appropriate for them.

There are virtual pharmacies that will write prescriptions and dispense drugs based solely on information provided by customers in a brief questionnaire. Unfortunately, this information is often incomplete and inaccurate. There are also reports of children accessing inappropriate drugs like Viagra and diet pills.

Additionally, I've introduced a resolution—that was just read in and referred to the Committee on Health Policy—calling on Congress to strengthen federal laws and regulations on Internet prescriptions. I hope that all of you will support these items when they come before you for a vote.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Young introduced

Senate Bill No. 1304, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 1996 PA 242.

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

Senators Byrum and Young introduced

Senate Bill No. 1305, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 626 (MCL 257.626).

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

Senators Byrum and Young introduced

Senate Bill No. 1306, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as added by 1998 PA 317.

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

Senator Byrum introduced

Senate Bill No. 1307, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1i, 13, and 55 (MCL 38.1i, 38.13, and 38.55), sections 1i and 13 as amended and section 55 as added by 1996 PA 487, and by adding section 61a.

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

Senators Byrum, V. Smith, Hart and Dingell introduced

Senate Bill No. 1308, entitled

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

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

Senators Byrum, V. Smith, Hart and Dingell introduced

Senate Bill No. 1309, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 49 of chapter VII (MCL 767.49).

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

House Bill No. 4014, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531d.

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 Education.

House Bill No. 5296, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending section 4a (MCL 41.724a), as amended by 1986 PA 180.

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 Local, Urban and State Affairs.

House Bill No. 5503, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 215 (MCL 750.215), as amended by 1991 PA 145.

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 Judiciary.

House Bill No. 5504, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 1999 PA 168.

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 Judiciary.

House Bill No. 5839, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5527 (MCL 324.5527).

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. 5844, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21723.

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 Health Policy.

Committee Reports

The Committee on Education reported

House Bill No. 5740, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1233 (MCL 380.1233), as amended by 1995 PA 289.

With the recommendation that the bill pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons and Stille

Nays: Senator Peters

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5832, entitled

A bill to amend 1961 PA 112, entitled "An act to authorize and provide for the issuance and sale of bonds and notes of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation," by amending the title and sections 1 and 2 (MCL 388.981 and 388.982), the title and section 2 as amended by 1991 PA 64, and by adding sections 1a and 1b.

With the recommendation that the bill pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5058 submits the following:

Meeting held on Wednesday, May 31, 2000, at 9:30 a.m., Room 424, Capitol Building

Present: Senators McCotter and Miller

Absent: Senator Hammerstrom

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5058 submits the following:

Meeting held on Tuesday, June 6, 2000, at 9:30 a.m., Room 424, Capitol Building

Present: Senators McCotter and Hammerstrom

Absent: Senator Miller

Scheduled Meetings

Families, Mental Health and Human Services - Monday, June 26, 9:00 a.m., Cadillac & Nicolet Rooms, University Center, Northern Michigan University, Marquette; Tuesday, June 27, 9:00 a.m., Commission Chambers, 2nd Floor, Governmental Center (City/County Building), Traverse City; Wednesday, June 28, 1:00 p.m., F & G Seminar Rooms, Curtis Hall, Saginaw Valley State University, Saginaw/Bay City; Thursday, July 6, 9:00 a.m. and 1:00 p.m., Northwest Activity Center, 18100 Myers Road, Detroit; and Friday, July 7, 9:00 a.m., Theater, Oakland Community College - Royal Oak Campus, Royal Oak (373-3543)

Technology and Energy - Thursday, June 8, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 3:25 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, June 8, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.