

No. 75

# JOURNAL OF THE SENATE

---

Senate Chamber, Lansing, Thursday, December 10, 1998.

10:00 a.m.

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

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

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

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

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

Senator George Z. Hart of the 6th District offered the following invocation:

This morning I ask that all of us take great comfort as we come together in the true spirit of comradery and friendship. Let us all join together as we recite The Lord's Prayer.

Our Father, Who art in heaven, halloweth be Thy name; Thy kingdom come; Thy will be done on earth as it is in heaven. Give us this day our daily bread; and forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation. Amen.

### Motions and Communications

Senators Stille and Jaye entered the Senate Chamber.

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

Senator DeGrow moved that Senators Dunaskiss and Bullard be temporarily excused from today's session.  
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 9:

**House Bill Nos. 6226 6227**

### Messages from the Governor

The following messages from the Governor were received and read:

December 9, 1998

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

#### **Barrier Free Design Board**

Mr. Carter Huffman, 4085 Filkins Drive, NE, Grand Rapids, Michigan 49505, county of Kent, as a member representing the construction industry, succeeding himself, for a term expiring on October 31, 2001.

Mr. John L. Masucci, 598 Quartz Road, Ontonagon, Michigan 49953, county of Ontonagon, as a member representing severe mobility limited persons, succeeding himself, for a term expiring on October 31, 2001.

December 9, 1998

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

#### **Electrical Administrative Board**

Mr. Dennis Allan Chalmers, 30457 Brush, Madison Heights, Michigan 48071, county of Oakland, as a member representing journeymen electricians, succeeding himself, for a term expiring on August 10, 2001.

Ms. Cynthia Joan Brown, 1205 Watson, SW, Grand Rapids, Michigan 49504, county of Kent, as a member representing master electricians, succeeding herself, for a term expiring on August 10, 2001.

Ms. Debra L. Perkins, 3215 Cedarbrook, Lansing, Michigan 48910, county of Ingham, as a member representing parts distributors, succeeding Mr. Alban E. Arens of Alma, whose term has expired, for a term expiring on August 10, 2001.

Mr. David L. Bushouse, 992 North 7th Street, Kalamazoo, Michigan 49009, county of Kalamazoo, as a member representing the insurance industry, succeeding Mr. Robert S. Huddy of Tawas City, who has resigned, for a term expiring on August 10, 1999.

December 9, 1998

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

#### **Michigan Public School Employees' Retirement Board**

Mr. Robert J. Rietz, 1510 Milford Hills, Milford, Michigan 48381, county of Oakland, as a member representing the general public with experience in the insurance, actuarial, or institutional investment field, succeeding himself, for a term expiring on March 30, 2002.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

Senators Miller, Dunaskiss and Bullard entered the Senate Chamber.

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

### Messages from the House

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

#### **Senate Bill No. 866, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 1997 PA 115.

(For text of amendment, see Senate Journal No. 74, p. 2139.)

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

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

#### **Roll Call No. 875**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hoffman

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

#### **Senate Bill No. 874, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950 (MCL 600.2950), as amended by 1997 PA 115.

(For text of amendment, see Senate Journal No. 74, p. 2139.)

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

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

#### **Roll Call No. 876**

**Yeas—38**

Bennett	Dingell	McManus	Schwarz
Berryman	Dunaskiss	Miller	Shugars
Bouchard	Emmons	Murphy	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil

Cherry	Gougeon	Peters	Stille
Cisky	Hart	Posthumus	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn
DeBeaussaert	Jaye	Schuette	Young
DeGrow	Koivisto		

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hoffman

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

**House Bill No. 5564, entitled**

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending section 21 of chapter X and sections 2, 2a, 2c, 14, 15, 17, 17c, 18, and 26 of chapter XIIA (MCL 710.21, 712A.2, 712A.2a, 712A.2c, 712A.14, 712A.15, 712A.17, 712A.17c, 712A.18, and 712A.26), sections 2, 2a, and 2c of chapter XIIA as amended by 1996 PA 409, section 14 of chapter XIIA as amended by 1988 PA 224, section 15 of chapter XIIA as amended by 1987 PA 72, section 17 of chapter XIIA as amended by 1998 PA 325, section 17c of chapter XIIA as amended by 1997 PA 169, and section 18 of chapter XIIA as amended by 1997 PA 163.

(For text of amendment, see Senate Journal No. 74, p. 2139.)

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

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

**Roll Call No. 877**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

O'Brien

In The Chair: Hoffman

The House of Representatives requested the return of

**House Bill No. 5567, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 15b and 15c of chapter IV (MCL 764.15b and 764.15c), as amended by 1996 PA 15.

Senator DeGrow moved that the request of the House be granted.

The motion prevailed.

**House Bill No. 5717, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 82126a, 82126b, and 82126c.

(For text of amendments, see Senate Journal No. 74, p. 2140.)

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. 878****Yeas—37**

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

**Nays—1**

Jaye

**Excused—0****Not Voting—0**

In The Chair: Hoffman

Senator DeGrow moved that the bill be given immediate effect.

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

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

Senator DeGrow moved that consideration of the following joint resolution be postponed for today:

**Senate Joint Resolution A**

The motion prevailed.

Senator DeGrow moved that consideration of the following bills be postponed temporarily:

**House Bill No. 6033**

**House Bill No. 5546**

The motion prevailed.

Senator DeGrow moved that consideration of the following joint resolution and bills, now on the order of General Orders, be postponed for today:

**Senate Joint Resolution E**

**Senate Bill No. 10**

**House Bill No. 4039**

The motion prevailed.

Senator DeGrow moved that the following bill be placed at the head of the Third Reading of Bills calendar:

**House Bill No. 6251**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 6251, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 1998 PA 265.

The question being on the passage of the bill,

Senator Emmons offered the following amendments:

1. Amend page 3, line 19, after "MATERIALPERSON" by striking out "SHALL" and inserting "MAY AT THE OPTION OF THE TAXPAYER".

2. Amend page 3, line 20, after "ALL" by inserting "TAXABLE".

3. Amend page 3, line 22, after "SALE" by inserting "BASIS".

4. Amend page 3, line 23, after "RETURN" by striking out the balance of the sentence and inserting "IN THE FIRST QUARTERLY RETURN DUE FOLLOWING THE DATE IN WHICH THE MATERIALPERSON MADE THE CREDIT SALE TO THE OWNER, CONTRACTOR, SUBCONTRACTOR, REPAIRPERSON, OR CONSUMER. NOTWITHSTANDING SUBSECTIONS (1) THROUGH (4), A MATERIALPERSON MAY AT THE OPTION OF THE TAXPAYER FILE QUARTERLY RETURNS FOR A CREDIT SALE ONLY AS DETERMINED BY THE DEPARTMENT.".

5. Amend page 3, line 27, after "OF" by inserting "TAXABLE".

6. Amend page 3, line 27, after "GOODS" by striking out "OR SERVICES".

7. Amend page 3, line 27, after "SELLER" by inserting "OTHER THAN A CREDIT CARD SALE".

8. Amend page 4, line 2, after "HAS" by inserting "REGISTERED WITH AND HAS".

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

The question being on the passage of the bill,

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

**Roll Call No. 879**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hoffman

Senator DeGrow moved that the bill be given immediate effect.

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

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.

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

**House Bill No. 5391**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 6045, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7d (MCL 211.7d), as amended by 1987 PA 200.

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. 880**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hoffman

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed,

establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise 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. 5987, entitled**

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending section 4 (MCL 28.214), as amended by 1998 PA 82.

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. 881**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Posthumus

In The Chair: Hoffman

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

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6034, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 1997 PA 168.

The question being on the passage of the bill,  
Senator Gougeon offered the following substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

**Roll Call No. 882**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Posthumus

**Not Voting—1**

North

In The Chair: Hoffman

Senator Gougeon moved that the bill be given immediate effect.

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

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

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

The Senate agreed to the full title.

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5129, entitled**

A bill to designate an official flag month of this state and to provide guidelines for display and handling.

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. 883****Yeas—36**

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

**Nays—0****Excused—0****Not Voting—2**

Bullard North

In The Chair: Hoffman

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

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

The following bill was read a third time:

**House Bill No. 5137, entitled**

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214),  
as amended by 1998 PA 82.

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

Substitute (S-1).

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

The question being on the passage of the bill,

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

**Roll Call No. 884****Yeas—37**

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

**Nays—0**

**Excused—1**

North

**Not Voting—0**

In The Chair: Hoffman

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6208, entitled**

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending sections 11, 17b, 21, 21a, 22, 22c, 23d, 26, 50a, 75, and 79 (MCL 38.1011, 38.1017b, 38.1021, 38.1021a, 38.1022, 38.1022c, 38.1023d, 38.1026, 38.1050a, 38.1075, and 38.1079), sections 21, 22, 23d, and 26 as amended by 1994 PA 359, section 11 as amended by 1988 PA 512, section 17b as amended and section 21a as added by 1987 PA 58, section 22c as amended and sections 75 and 79 as added by 1996 PA 486, and section 50a as amended by 1998 PA 80, and by adding sections 36a and 58a.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 6271, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 205, 501, 513, 522, 531, 533, 811, 903, and 1113 (MCL 436.1205, 436.1501, 436.1513, 436.1522, 436.1531, 436.1533, 436.1811, 436.1903, and 436.2113), section 522 as added and section 531 as amended by 1998 PA 282.

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. 885**

**Yeas—32**

Bennett	DeGrow	Koivisto	Schuette
Berryman	Dingell	McManus	Schwarz
Bullard	Emmons	Miller	Smith, A.
Byrum	Gast	Murphy	Smith, V.
Cherry	Geake	O’Brien	Steil
Cisky	Gougeon	Peters	Stille
Conroy	Hart	Posthumus	Vaughn
DeBeaussaert	Hoffman	Rogers	Young

**Nays—5**

Bouchard	Jaye	Shugars	Van Regenmorter
Dunaskiss			

**Excused—1**

North

**Not Voting—0**

In The Chair: Hoffman

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Rogers as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

**House Bill No. 5795, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending sections 23 and 23b (MCL 208.23 and 208.23b), as amended by 1995 PA 282.

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

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

**House Bill No. 4274, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16348 and part 185; and to repeal acts and parts of acts.

Substitute (S-3).

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

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

“NUTRITION AND DIETETICS

JUNE 30”.

2. Amend page 3, line 23, by striking out all of subdivision (N) and relettering the remaining subdivisions.

3. Amend page 4, following line 16, by inserting:

“(Q) “RESPIRATORY THERAPIST”, “REGISTERED RESPIRATORY THERAPIST”, “R.T.”, AND “R.R.T.”.

(R) “THERAPEUTIC RECREATOR”, “T.R.”, “REGISTERED THERAPEUTIC RECREATION SPECIALIST”, “R.T.R.S.”, “RECREATION THERAPIST”, “R.T.”, “RECREATIONAL THERAPIST”, “CERTIFIED RECREATION THERAPIST”, “C.R.T.”, “THERAPEUTIC RECREATION SPECIALIST”, AND “T.R.S.”.

(S) “ATHLETIC TRAINER”, “REGISTERED ATHLETIC TRAINER”, “CERTIFIED ATHLETIC TRAINER”, “ATHLETIC TRAINER CERTIFIED”, “A.T.”, “A.T.R.”, “C.A.T.”, AND “A.T.C.”.

(T) "REGISTERED NUTRITIONIST AND DIETITIAN" AND "R.N.D.".

(U) "SOCIAL WORKER", "CERTIFIED SOCIAL WORKER", "SOCIAL WORK TECHNICIAN", "S.W.", "C.S.W.", AND "S.W.T.".

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. 5294, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 62501 and 62509 (MCL 324.62501 and 324.62509), as added by 1995 PA 57, and by adding sections 62509a and 62509b. 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. 4296, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16350 and part 189.

Substitute (S-2).

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

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

"SOCIAL WORK

DECEMBER 31".

2. Amend page 4, line 14, by striking out all of subdivision (Q) and inserting:

"(Q) "RESPIRATORY THERAPIST", "REGISTERED RESPIRATORY THERAPIST", "R.T.", AND "R.R.T.".

(R) "THERAPEUTIC RECREATOR", "T.R.", "REGISTERED THERAPEUTIC RECREATION SPECIALIST", "R.T.R.S.", "RECREATION THERAPIST", "R.T.", "RECREATIONAL THERAPIST", "CERTIFIED RECREATION THERAPIST", "C.R.T.", "THERAPEUTIC RECREATION SPECIALIST", AND "T.R.S.".

(S) "ATHLETIC TRAINER", "REGISTERED ATHLETIC TRAINER", "CERTIFIED ATHLETIC TRAINER", "ATHLETIC TRAINER CERTIFIED", "A.T.", "A.T.R.", "C.A.T.", AND "A.T.C.".

(T) "REGISTERED NUTRITIONIST AND DIETITIAN" AND "R.N.D.".

(U) "SOCIAL WORKER", "CERTIFIED SOCIAL WORKER", "SOCIAL WORK TECHNICIAN", "S.W.", "C.S.W.", AND "S.W.T.".

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.

During the Committee of the Whole, Senator North entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator DeGrow moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

**House Bill No. 4343, entitled**

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending the title and section 3 (MCL 252.303) and by adding sections 18a and 20.

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

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

**House Bill No. 4629, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of

this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 1996 PA 143.

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

Senator DeGrow moved that the Committee on Economic Development, International Trade and Regulatory Affairs be discharged from further consideration of the following bill:

**House Bill No. 5061, entitled**

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending sections 2, 3b, and 4 (MCL 445.572, 445.573b, and 445.574), section 2 as amended by 1986 PA 235, section 3b as amended by 1996 PA 384, and section 4 as amended by 1982 PA 39, and by adding sections 4a and 4b.

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

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

**House Bill No. 4343**

**House Bill No. 4629**

**House Bill No. 5061**

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was read a third time:

**House Bill No. 4343, entitled**

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending the title and section 3 (MCL 252.303) and by adding sections 18a and 20.

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. 886**

**Yeas—28**

Bennett	DeBeaussaert	Koivisto	Schuette
Bouchard	DeGrow	Miller	Shugars
Bullard	Dunaskiss	Murphy	Smith, A.
Byrum	Emmons	North	Smith, V.
Cherry	Geake	Peters	Steil
Cisky	Gougeon	Posthumus	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn

**Nays—9**

Berryman	Hart	McManus	Stille
Dingell	Jaye	Schwarz	Young
Gast			

**Excused—0**

**Not Voting—1**

O'Brien

In The Chair: President

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

“An act to provide for the licensing, regulation and control of outdoor advertising adjacent to certain highways; to prescribe certain powers and duties; to promulgate rules; to provide penalties for violations; 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. 4629, entitled**

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” by amending section 7 (MCL 691.1407), as amended by 1996 PA 143.

The question being on the passage of the bill,

Senator Schwarz offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

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

**Roll Call No. 887**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5061, entitled**

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending sections 2, 3b, and 4 (MCL 445.572, 445.573b, and 445.574), section 2 as amended by 1986 PA 235, section 3b as amended by 1996 PA 384, and section 4 as amended by 1982 PA 39, and by adding sections 4a and 4b.

The question being on the passage of the bill,

Senator Schuette offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute:

Senator Schuette offered the following amendment to the substitute:

1. Amend page 6, line 11, after "CONTAINERS" by striking out "SOLD TO" and inserting "PURCHASED FROM".

The amendment to the substitute was adopted.

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

The question being on the passage of the bill,

The bill was passed, 3/4 of the members serving voting therefor, as follows:

**Roll Call No. 888**

**Yeas—36**

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

**Nays—1**

Jaye

**Excused—0**

**Not Voting—1**

Posthumus

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5061 and moved that the statement he made during the discussion of the amendment offered by Senator Schuette be printed as his reasons for voting "no."

The motion prevailed.

Senator Jaye's statement is as follows:

Take a close look at Section 4a, subsection(2)(b), before you vote to approve this bill. It says that any person that violates the subsection is guilty of a misdemeanor punishable by not more than 93 days in jail or a fine not more than \$500 if they return more than 100 cans. A hundred cans. A \$500 fine, a misdemeanor—93 days in jail because you've got 100 cans of pop from Ohio or Indiana that you try to take back.

How many of you have gone on family vacations cross-country, or your folks took you on vacations cross-country, and you don't want to litter, trying to teach the kids the right thing, and you get some co-mingling? I'm in favor of triple damages or four times the damages, but to say that we're going to have a \$500 fine and 93 days in jail if you submit 100 cans illegally; or let's say, it's less than 100 cans, it's still a misdemeanor and a fine of not more than \$100. So, you get some kid who brings back 25 cans, that's a case of pop and another bottle, maybe, and he or she is convicted of a misdemeanor for the rest of their life; they've got to fill out a job application form: Have you ever been convicted of a misdemeanor?—"Yes." What was it? It was an interstate crime. I transported a can of pop across state lines for a dime or a nickel a can redemption—and you're guilty of a misdemeanor.

The punishment should fit the crime. This bill does not have the punishment that fits the crime. I don't want cheats to get off scott-free, and if this bill would have been in front of my committee, I would have offered an amendment to increase the financial penalties, but not to make college kids or teenagers criminals for the rest of their lives because they're bringing a case of pop from Ohio and taking it to a party store.

This is a classic example of how we have unintended consequences on the last legislative day of the last session. I'm in favor of making sure that people don't cheat and that the money goes to the environmental clean-up and protect our little businesses, but do you really want to explain to your folks back home that little Johnny redeemed a bag full of cans and now he's convicted of a misdemeanor for the rest of his life over a stinking \$1 or \$1.50 of deposit? I hope we might consider not supporting this bill because the punishment doesn't fit the crime, and a person who is trying to make \$5 should not be thrown in jail for 93 days and fined more than \$500. We have to prioritize our legislation. Maybe, I would expect something like this in Singapore, where they give you caning because you spit on the street or you look cross-eyed at somebody's gal, but this really, really is excessive, and I hope that you will take a look at it closely before you vote in favor of this legislation.

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

**House Bill No. 5391, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending sections 3 and 3c of chapter 1 (MCL 141.503 and 141.503c), section 3 of chapter 1 as amended and section 3c of chapter 1 as added by 1988 PA 520.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Bouchard offered the following substitute:

Substitute (S-4).

The question being on the adoption of the substitute,

Senator Jaye offered the following amendments to the substitute:

1. Amend page 2, line 3, by striking out all of subsections (2), (3), (4), and (5) and inserting:

"(2) IN A CITY WITH A POPULATION OF MORE THAN 300,000, THE GOVERNING BODY MAY LEVY AND COLLECT A TAX AT A RATE TO BE DETERMINED FROM TIME TO TIME, AS FOLLOWS:

(A) IN A CITY WITH A POPULATION OF 1,000,000 OR MORE, THAT RATE TO BE NOT MORE THAN 2% ON CORPORATIONS, NOT MORE THAN 3% ON RESIDENT INDIVIDUALS, AND NOT MORE THAN 1-1/2% ON NONRESIDENT INDIVIDUALS BUT NOT TO EXCEED 1/2 OF THE TAX RATE IMPOSED ON RESIDENT INDIVIDUALS.

(B) IN A CITY WITH A POPULATION OF LESS THAN 1,000,000, THAT RATE TO BE NOT MORE THAN 1% ON CORPORATIONS, NOT MORE THAN 1% ON RESIDENT INDIVIDUALS, AND NOT MORE THAN 1/2% ON NONRESIDENT INDIVIDUALS. THIS SUBDIVISION SHALL APPLY IF A CITY HAS BEEN LEVYING A TAX PURSUANT TO SUBDIVISION (A) AND A SUBSEQUENT CENSUS DETERMINES THAT THE CITY HAS A POPULATION OF LESS THAN 1,000,000." and renumbering the remaining subsections.

2. Amend page 7, line 12, by striking out all of subsections (8) and (9).

3. Amend page 8, line 15, by striking out "750,000" and inserting "1,000,000".

The question being on the adoption of the amendments,

Senator Jaye requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

The amendments to the substitute were not adopted.

Senator Jaye offered the following amendments to the substitute:

1. Amend page 2, line 3, after "(2)" by striking out the balance of the line through "IN" on line 4 and inserting "In".

2. Amend page 2, line 19, by striking out all of subsections (3), (4), and (5) and renumbering the remaining subsections.

The question being on the adoption of the amendments,

Senator Jaye requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

The amendments to the substitute were not adopted.

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

The question being on the passage of the bill,

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

**Roll Call No. 889**

**Yeas—32**

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

**Nays—6**

Bullard	Jaye	Shugars	Stille
Dunaskiss	Rogers		

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to permit the imposition and collection by cities of an excise tax levied on or measured by income; to permit the collection and administration of the tax by the state; to provide the procedure including referendums for, and to require the adoption of a prescribed uniform city income tax ordinance by cities desiring to impose and collect such a tax; to limit the imposition and collection by cities and villages of excise taxes levied on or measured by income; to prescribe the powers and duties of certain state and municipal agencies, departments, and officials; to establish the city income tax trust fund; to provide for appeals; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

**Protests**

Senators Jaye, Bullard, Rogers, Dunaskiss and Stille, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5391.

Senator Jaye moved that the statements he made during discussion of the amendments he offered be printed as his reasons for voting “no.”

The motion prevailed.

Senator Jaye’s first statement is as follows:

This tax cut is phony. It is actually a tax increase of 200 per cent and a tax extension. Detroit levies 3 percent on its residents and its businesses, and 1.5 percent on its non-resident workers. That authority only exists for cities of over one million population. After the year 2000 census, there will be an automatic scheduled two-thirds cut in the taxes. Two-thirds cut, automatically.

However, we are snatching defeat from the jaws of victory. This tax cut proposal stops the two-thirds cut, and it says we're only going to go down to 2 percent on residents and businesses and 1 percent on non-residents. Then, even this tax cut won't occur—read the fine print. If Detroit doesn't have a budget surplus for two years in a row—I don't ever remember Detroit having a budget surplus for two years in a row. This tax cut will not occur if Detroit's unemployment rate is over 10 percent. I don't remember Detroit's unemployment ever being less than 10 percent. In fact, around 80 percent of the residents of the city of Detroit are on some form of public assistance, so of course, they're not going to have less than 10 percent unemployment rate.

If Detroit's property values do not rise at 80 percent of the statewide average, the tax rollback does not occur. If Detroit does not receive revenue of an inflationary rate increase of a slightly lower rate, the income tax doesn't occur. This is phony, it's dishonest, and it's a fraud.

My amendment would allow the tax rates to be cut by two-thirds as soon as the federal census documents show that Detroit has slipped under a million in population.

Now if Detroit cheats, and they bus in thousands of hobos or use some kind of fictitious, statistical sampling methods, and they're over a million in population, then as a backup plan we will have these slight decreases take effect.

If we also cut the income tax by two-thirds, we will generate \$15 million more money to the state revenue. How in the world can you, you might ask, How in the world do we generate \$15 million more in state revenue by cutting taxes by two-thirds? It's because the state income tax is deductible for individuals and business from their state tax obligation. So, if you cut the city income tax in Detroit to the same level 18 other cities have in Michigan, we will generate \$15 million in new state revenue. I hope the Appropriations members are listening. I know you love to spend money; \$15 million will come in additional revenues to the state coffers if we cut Detroit's resident and non-resident income tax.

Now, I can just hear: Oh, we will bankrupt the city of Detroit. Hogwash! If we have a two-thirds cut in the city income tax, it will cost \$240 million. However, the city of Detroit's budget is \$2.8 billion. This is a 1 percent cut, and don't forget, we are continuing revenue sharing for the city of Detroit—it's \$700,000 higher for the next eight and one-half years.

So what this Jaye amendment does is that it says to the state of Michigan, to the Legislators, to the Governor: Leave us alone! Leave us alone! For 24 years you have imposed an income tax on the citizens of Detroit, on the businesses of Detroit, and the people who work in Detroit, 300 percent higher than any other cities' income tax. After 24 years, leave us alone, until the Year 2000 census is verified by the federal government. So 26 years is enough of a burden. As a bonus you get \$15.4 million extra to spend. This doesn't even count the multiplier effect of all the additional investments and employment and revenue that a lower tax would effect.

Please consider doing what makes economic sense, what makes sense from an equity perspective, and what makes sense from a state-wide budget perspective. Don't try to scam the people by saying you're doing them a favor by giving them a phony tax cut, when in fact, you are blocking a scheduled two-third cut. I'm hoping that you will support this amendment so that we can honestly say that a tax cut is a tax cut, not a 10-year extension of a tax with a maybe tax cut with all these exceptions that will prevent even the minor reductions. The language in front of you today says that if the city falls beneath the million in population, then we will be lowered to your level of misery; the level of misery of 18 other cities. One percent for residents and businesses and one-half a percent for non-resident workers. If the city stays over a million, then the Governor's and the mayor's plan of a slight rollback over ten years will be effected.

I request your support on this amendment.

Senator Jaye's second statement is as follows:

I'm reading from page 5 of 7 from the House Fiscal analysis on House Bill No. 5391. The members can read this themselves if they don't believe me from their automated system or members of the state of Michigan from the Internet can take a look at this bill analysis. It says under "fiscal implications": "a representative from the city of Detroit presented testimony on the House tax policy that the city income tax reduction, if implicated all at once, would result in a revenue reduction for the city of about \$120 million." Detroit's representatives, who are obviously going to advocate for the worse-case scenario, they say if you cut taxes in Detroit, and if you do it all at once and not over ten years, it would reduce the revenue to the city of Detroit about \$120 million. That's a fraction of 1 percent if we do it all at once. However, the scheduled rate reduction could be suspended, even the peanuts you're giving to non-residents working in Detroit or the Detroit residents, you will take away the peanuts that you're giving to the people that live there, the people who work there, and the businesses will be suspended. I read on page 4 of 7: "If the funds had been withdrawn from the city's budget stabilization fund for two or more consecutive fiscal years or there was a balance of zero in the City Budget Stabilization Fund."

Heck, I believe every single year here in the state Capitol, the Legislature has withdrawn money that could have gone to the Budget Stabilization Fund. Most recently, we took surplus money and spent it for an \$88 million court building with a \$15 million underground parking. We can also suspend this puny rate reduction if the city's income tax revenue growth is .95 or less. That means we are guaranteeing that there won't be a reduction if the city can't generate more money—even if they pass a living wage, which has got their minimum wage 40 percent higher than anyone else and is a job killer, they will not have a cut unless their growth is there.

Number two: The rate reduction will be suspended if the city's local tax base growth is 80 percent or less of the statewide tax base growth rate. That means if property values don't increase in Detroit at 80 percent of the state's, there is no tax cut. So we've got booming areas like in Livingston, Oakland, or Macomb Counties, where property values are going up 15 to 20 percent a year, and Detroit isn't at 80 percent of that. Say at 12 or 13 percent a year, there is no rate reduction. Detroit's property will never go up—never go up citywide at 12 or 16 percent a year, or it's extremely unlikely, and it certainly hasn't gone up at 16 percent or 14 percent a year. But if it doesn't go up 16 percent, there is no tax reduction.

The next point is that the city's unemployment rate is 10 percent or higher according to the most recent statistics available for Michigan's Jobs Commission. I don't remember the last time Detroit had an unemployment rate of less than 10 percent. About 85 percent of Detroit residents are on some form of public assistance. That means if these conditions occur, even the peanuts are taken away from the working men and women, from the productive people, the little 15 percent of the people that aren't on welfare, that are working—we're going to continue to punish them.

This is a phony tax cut. What I'm asking you please to do is at least be honest with the peanuts, the crumbs you're sending to the workers in the city of Detroit and the businesses courageous to continue in the city of Detroit. Can you at least guarantee to them that they will have a few crumbs that they can count on? So my amendment very simply says that the scheduled decrease in the rate over ten years will proceed on schedule. If there are any additional needs for Detroit, we always have got the option to increasing our appropriations through the education fund, the welfare fund, the transportation fund, the State Police fund, the recreational fund, or the jobs training fund. We have all these other options available to us, including a billion dollars in our own rainy day fund to help Detroit if there is a real crisis. But let's at least have a modicum of honesty that this peanut of a tax increase will be honored in the next ten years. I request your support of this amendment.

Senator Bullard's statement, in which Senators Rogers, Dunaskiss and Stille concurred, is as follows:

I would just like to tell my colleagues that this is the first tax cut that I have ever voted against in 16 years in the Legislature. There are two reasons. One is, a ten-year tax cut of a nonresident making \$40,000.00 a year, this is going to amount to about a tax cut of \$20.00 a year. I think that is ridiculous and not even worth telling somebody we are going to cut your taxes that small amount. The more important reason I voted "no" is, there are four contingencies here. Any one of which if it happens, such as the city of Detroit's unemployment rate being 10 percent or higher, which we know it is going to be 10 percent or higher the next time we have even a mini recession, then the State Administrative Board has the power to rescind the tax cut. I think it is very bad public policy to pass the bill giving an administrative agency, which is composed of the Governor and some other elected officials, the power to cancel the tax cut based on any contingencies whatsoever. That is why I voted "no."

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

**House Bill No. 4274**

**House Bill No. 5795**

**House Bill No. 4296**

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

The following bill was read a third time:

**House Bill No. 4274, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16348 and part 185; 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. 890**

**Yeas—30**

Bennett	DeGrow	McManus	Shugars
Berryman	Dingell	Miller	Smith, V.
Bullard	Dunaskiss	Murphy	Steil
Byrum	Emmons	North	Stille
Cherry	Gast	Peters	Van Regenmorter
Cisky	Hart	Posthumus	Vaughn
Conroy	Hoffman	Schuette	Young
DeBeaussaert	Koivisto		

**Nays—5**Geake  
Gougeon

Jaye

Rogers

Schwarz

**Excused—0****Not Voting—3**

Bouchard

O'Brien

Smith, A.

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.

The following bill was read a third time:

**House Bill No. 5795, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending sections 23 and 23b (MCL 208.23 and 208.23b), as amended by 1995 PA 282.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 6, line 2, after “(ii)” by striking out the balance of the line through “(iv)” on line 11.
2. Amend page 6, line 11, after “retail” by striking out “all” and inserting “ANY”.
3. Amend page 6, line 11, after “following” by striking out the balance of the line through “following” on line 15.

The question being on the adoption of the amendments,

Senator Peters requested the yeas and nays.

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

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

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

**Roll Call No. 891****Yeas—16**Berryman  
Byrum  
Cherry  
ConroyDeBeaussaert  
Dingell  
Gast  
HartJaye  
Koivisto  
Miller  
MurphyPeters  
Smith, A.  
Smith, V.  
Stille**Nays—21**Bennett  
Bouchard  
BullardEmmons  
Geake  
GougeonNorth  
O'Brien  
PosthumusSchwarz  
Shugars  
Steil

Cisky  
DeGrow  
Dunaskiss

Hoffman  
McManus

Rogers  
Schuette

Van Regenmorter  
Young

**Excused—0**

**Not Voting—1**

Vaughn

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. 892**

**Yeas—32**

Bennett  
Bouchard  
Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert

DeGrow  
Dingell  
Dunaskiss  
Emmons  
Geake  
Gougeon  
Hart  
Hoffman

Koivisto  
McManus  
Miller  
Murphy  
North  
O'Brien  
Posthumus  
Rogers

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

**Nays—6**

Berryman  
Gast

Jaye  
Peters

Smith, A.

Stille

**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 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.”.

The Senate agreed to the full title.

### Protests

Senators Berryman, Jaye, Peters and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5795.

Senator Berryman's statement is as follows:

I voted "no" on the previous bill because it does not treat all Michigan companies fairly. I think, as it was stated in the debate, I would certainly like to help Kmart. But there are plenty of other businesses, in my district and in the state of Michigan, that have expanded or have come to the state of Michigan and ought to be treated in the same manner as this particular bill will treat a particular company. Strictly for that reason, I voted "no."

Senator Jaye moved that the statement he made during the discussion of the amendment be printed as his reason for voting "no."

The motion prevailed.

Senator Jaye's statement is as follows:

I shop at Kmart a lot, my wife shops at Kmart a lot, but I've never heard of a \$4 million blue light special, \$4 million blue light special—wow! We collect more money in taxes in the state of Michigan than we know what to do with. We had what they call lapse money. That's just money that, even after all of our budgets and all of the supplementals and all of the adjustments, we don't know what to spend the money on, so we spend it on a \$15 million underground parking garage for judges; the total cost was \$88 million. I believe that Kmart's good for Michigan, but so are all of the other retailers, little mom and pop operations, or some big-time operations like Hudson's, or Lord and Taylor that my wife and I can't afford to go to. Target, where we can afford to go, or some of these little retail operations; everything from a hardware store to a grocer. Let's grow our economy by extending the tax cut across the board, then we will have the discipline on spending. Kmart is a great company. I like Kmart. I go to Kmart. They have great prices—I want them to thrive and prosper, but I want all of the other retail operations to thrive and prosper. So let's make a statement to say that we are going to treat all businesses equally by allowing them the option just like Meijer to be able to pay their taxes at the lowest level so they can pass the savings on to their employees, their shareholders, and the customers. This amendment would be one of the best Christmas presents you could give to the shopping America, people on a budget in the state of Michigan. So, I support the amendment.

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

I voted "no" because I believe that all Michigan retailers should be treated equally. All Michigan-based retailers should have the same option available to them. I believe that this bill was too narrowly drafted to include only one retailer, and in the future, public policy related to tax policy should include all Michigan businesses, not a select few.

The following bill was read a third time:

#### House Bill No. 4296, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16350 and part 189.

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. 893

#### Yeas—36

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

#### Nays—1

Jaye

**Excused—0**

**Not Voting—1**

Geake

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

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

**House Bill No. 6033, entitled**

A bill to authorize the state administrative board to convey certain parcels of state owned property in Oakland county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Conroy offered the following amendments:

1. Amend page 12, following line 14, by inserting:

“Sec. 4. (1) The state administrative board, on behalf of the state, may convey, for consideration of not less than fair market value as determined pursuant to subsection (3) or for less than fair market value subject to subsection (4), all of the property commonly known as Brown Hall, which is under the jurisdiction of the department of education and located in the city of Flint, Genesee county, Michigan, and is further described as follows:

A parcel of land located in Section 8 of Indian Reservation of 11 Sections at near The Grand Traverse on Flint River, City of Flint, Genesee County, Michigan; the surveyed boundary being described as Commencing at the Southwest corner of Section 24, Town 7 North, Range 6 East, City of Flint, Genesee County, Michigan; thence North 89 degrees 32 minutes 40 seconds East along the South line of said Section 24 a distance of 946.72 feet; thence North 00 degrees 27 minutes 20 seconds West perpendicular to the South line of said Section 24 a distance of 5,249.20 feet to the Northeast corner of The Plat of Woodcroft No. 1 as recorded in Liber 8, Pages 34-36 of Genesee County Records; thence North 58 degrees 29 minutes 55 seconds East a distance of 1,103.54 feet along the centerline of Miller Road as established by the Michigan Department of Transportation (recorded as North 58 degrees 51 minutes 00 seconds East, 1,103.54 feet); thence continuing along said centerline on a curve to the left 426.00 feet, said curve having a central angle of 38 degrees 18 minutes 00 seconds, a radius of 637.27 feet, a chord of 418.11 feet bearing North 39 degrees 20 minutes 55 seconds East (recorded as radius of 637.27 feet, chord 418.10 feet bearing North 39 degrees 42 minutes 00 seconds East); thence North 20 degrees 11 minutes 55 seconds East continuing along said centerline a distance of 244.83 feet (recorded as North 20 degrees 33 minutes 00 seconds East 244.83 feet); thence continuing on said

centerline on a curve to the right 345.46 feet, said curve having a central angle of 31 degrees 03 minutes 35 seconds, a radius of 637.27 feet, a chord of 341.25 feet bearing North 35 degrees 43 minutes 40 seconds East (recorded as radius of 637.27 feet, chord 341.23 feet bearing North 36 degrees 04 minutes 45 seconds East); thence North 51 degrees 15 minutes 25 seconds East continuing along said centerline a distance of 162.30 feet (recorded as North 51 degrees 36 minutes 30 seconds East 158.66 feet) to a point on the centerline of Court Street as established by the Michigan Department of Transportation; thence South 89 degrees 53 minutes 35 seconds East along the centerline of said Court Street a distance of 831.03 feet (recorded as South 89 degrees 32 minutes 30 seconds East 837.65 feet); thence North 58 degrees 28 minutes 55 seconds East along the centerline of said Court Street a distance of 52.18 feet (recorded as North 58 degrees 50 minutes 00 seconds East); thence South 31 degrees 51 minutes 45 seconds East a distance of 50.00 feet to the Southerly right of way line of Court Street and the point of beginning of this description; thence North 58 degrees 28 minutes 55 seconds East along the Southerly line of Court Street (recorded as North 58 degrees 50 minutes 00 seconds East) a distance of 248.00 feet; thence South 31 degrees 31 minutes 05 seconds East perpendicular to the Southerly right of way line of Court Street a distance of 343.24 feet; thence South 21 degrees 37 minutes 55 seconds West a distance of 186.15 feet; thence North 44 degrees 41 minutes 52 seconds West a distance of 154.71 feet (recorded as North 44 degrees 00 minutes 10 seconds West 154.71 feet); thence South 60 degrees 59 minutes 50 seconds West a distance of 28.99 feet (recorded as South 61 degrees 41 minutes 37 seconds West 28.99 feet); thence North 59 degrees 50 minutes 20 seconds West a distance of 70.27 feet (recorded as North 59 degrees 08 minutes 34 seconds West 70.27 feet); thence North 31 degrees 51 minutes 45 seconds West a distance of 241.12 feet (recorded as North 31 degrees 10 minutes 00 seconds West) to the point of beginning; said parcel containing 2.086 acres.

Subject to all easements and restrictions of use or record.

(2) The description of the parcel in subsection (1) is approximate and for purposes of the conveyance is subject to adjustment as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The fair market value of the property described in subsection (1) shall be the price determined by an appraisal as prepared by the state tax commission or an independent fee appraiser or the price as established by competitive solicitation.

(4) A conveyance authorized by this section for less than fair market value shall provide for both of the following:

(a) That the property shall be used exclusively for a public purpose, and that upon termination of that use or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(b) That if the grantee disputes the state's exercise of its rights of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property." and renumbering the remaining section.

2. Amend page 12, line 15, after "sections" by striking out the balance of the line through "3" on line 16 and inserting "1 to 4".

3. Amend page 12, line 19, after "sections" by striking out the balance of the line through "2" on line 20 and inserting "1 to 4".

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

Senator Stille offered the following amendment:

1. Amend page 12, following line 14, by inserting:

"Sec. 5. In addition to the purposes permitted in 1998 PA 363, the conveyance of property previously under the jurisdictions of the department of natural resources located in Higgins Township, in Roscommon county, Michigan, and further described as follows:

T 24. R 2W, Section 7: S.E. 1/4 N.W. 1/4

may also be used for wildlife education purposes." and renumbering the remaining section.

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

Senator Peters offered the following amendment:

1. Amend page 8, line 27, after "subsection" by striking out "(5)" and inserting "(6)".

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. 894**

**Yeas—37**

Bennett  
Berryman

Dunaskiss  
Emmons

McManus  
Miller

Schwarz  
Shugars

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

**Nays—1**

Bouchard

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

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

A bill to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

**Protest**

Senator Bouchard, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 6033.

Senator Bouchard's statement is as follows:

As much as I concur with the intent to provide this for economic development and usage to the city, I still, as I have been in the past, am a firm believer that that particular area or region would have been best served to have a facility still operating there, be it Fairlawn, in particular, and CVC. The closure of those and now the sale and demolition, I believe, will lead to more time-consuming travel and less convenient service, if you will, to the clients and the affected members of my constituency. For those reasons, I voted "no."

By unanimous consent the Senate returned to the order of

**Messages from the House**

**Senate Bill No. 774, entitled**

A bill to amend 1986 PA 87, entitled "An act regarding warranties on new motor vehicles; to require certain repairs thereto; and to provide remedies for the failure to repair such vehicles," by amending sections 6 and 8 (MCL 257.1406 and 257.1408).

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. 1186, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 1998 PA 34, and by adding section 5b.

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

Senator DeGrow moved that the bill be given immediate effect.

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

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

**Senate Bill No. 1189, entitled**

A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending the title and sections 2, 3, 4, 5, 5a, and 6 (MCL 803.222, 803.223, 803.224, 803.225, 803.225a, and 803.226), sections 2 and 4 as amended by 1996 PA 416 and section 5a as added by 1996 PA 511.

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

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

**Senate Bill No. 1190, entitled**

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending the title and section 3 (MCL 28.173), as amended by 1996 PA 508.

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

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

The President, Lieutenant Governor Binsfeld, resumed the Chair.

**Senate Bill No. 1191, entitled**

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 2, 6, 13a, 20a, 31, 36, 41a, and 48 (MCL 780.752, 780.756, 780.763a, 780.770a, 780.781, 780.786, 780.791a, and 780.798), sections 2, 6, and 36 as amended and sections 13a, 20a, and 41a as added by 1993 PA 341, section 31 as amended by 1996 PA 82, and section 48 as amended by 1996 PA 105.

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

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

**Senate Bill No. 1192, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498c and 498d (MCL 330.1498c and 330.1498d), as amended by 1995 PA 290.

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

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

**Senate Bill No. 1193, entitled**

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 7 (MCL 400.207), as amended by 1980 PA 306.

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

Senator DeGrow moved that the bill be given immediate effect.

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

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

**Senate Bill No. 1194, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 186a (MCL 750.186a), as added by 1996 PA 256.

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

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

**Senate Bill No. 1195, entitled**

A bill to amend 1996 PA 263, entitled "Juvenile boot camp act," by amending sections 2, 3, 4, 5, 6, and 7 (MCL 400.1302, 400.1303, 400.1304, 400.1305, 400.1306, and 400.1307).

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

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

**Senate Bill No. 1196, entitled**

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending sections 2, 3, 4, 6, 7, and 8 (MCL 141.932, 141.933, 141.934, 141.936, 141.937, and 141.938), sections 2 and 3 as amended by 1987 PA 282, sections 4, 7, and 8 as amended by 1986 PA 6, and section 6 as amended by 1988 PA 198.

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

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

**Senate Bill No. 1219, entitled**

A bill to amend 1968 PA 293, entitled "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors," by amending section 4 (MCL 722.4), as amended by 1996 PA 412.

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

Senator DeGrow moved that the bill be given immediate effect.

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

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

**Senate Bill No. 1223, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 41 (MCL 800.41).

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

Senator DeGrow moved that the bill be given immediate effect.

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

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

**Senate Bill No. 1224, entitled**

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons and substances; to prohibit or limit the selling, giving, or furnishing of certain weapons and substances to prisoners; to prohibit the control or possession of certain weapons and substances by prisoners; and to prescribe penalties," by amending section 1a (MCL 800.281a), as added by 1982 PA 343.

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

Senator DeGrow moved that the bill be given immediate effect.

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

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

**Senate Bill No. 1007, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 839.

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

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

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act," by amending sections 405, 408, 410, 2016, 2213b, 4424, 5800, and 8199a (MCL 500.405, 500.408, 500.410, 500.2016, 500.2213b, 500.4424, 500.5800, and 500.8199a), section 405 as amended by 1994 PA 228, sections 408 and 410 as amended by 1994 PA 443, section 2016 as added by 1982 PA 7, section 2213b as added by 1996 PA 517, section 4424 as amended by 1982 PA 27, section 5800 as amended by 1984 PA 386, and section 8199a as amended by 1994 PA 226, and by adding sections 839, 4419, and 5904.

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

Senator DeGrow moved that the rules be suspended.

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

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

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

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

2. Amend page 11, line 3, after "COMPENSATION" by striking out the balance of the line through "FUND" on line 4 and inserting "COVERAGE PROVIDED THROUGH A SELF-INSURER'S GROUP".

3. Amend page 11, line 9, after "insurer" by striking out "OR FUND".

4. Amend page 11, line 10, after "date" by inserting "OR REQUIRING A MEMBER TO CONTINUE PARTICIPATION WITH A WORKER'S COMPENSATION SELF-INSURER GROUP".

5. Amend page 11, line 16, after "insurer" by striking out "OR FUND".

6. Amend page 11, following line 21, by inserting:

"(3) THIS SECTION ALSO APPLIES TO WORKER'S COMPENSATION SELF-INSURERS' GROUPS."

The amendments to the substitute were adopted.

Senator Bouchard offered the following amendment to the substitute:

1. Amend page 3, following line 4, by inserting:

"(E) THE INSURER IS NOT SUBJECT TO AN INSURANCE REGULATORY INFORMATION SYSTEM PRIORITY 1 OR 2 DESIGNATION BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS DURING THE YEAR IMMEDIATELY PRECEDING THE CHANGE OF CONTROL."

The amendments to the substitute were adopted.

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

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

#### Roll Call No. 895

#### Yeas—38

Bennett	Dingell	McManus	Schwarz
Berryman	Dunaskiss	Miller	Shugars
Bouchard	Emmons	Murphy	Smith, A.

Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert  
DeGrow

Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye  
Koivisto

North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Smith, V.  
Steil  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**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 Bouchard offered to amend the title to read as follows:

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending the title and sections 405, 408, 410, 2016, 2213b, 4424, 5800, and 8199a (MCL 500.405, 500.408, 500.410, 500.2016, 500.2213b, 500.4424, 500.5800, and 500.8199a), the title and section 405 as amended by 1994 PA 228, sections 408 and 410 as amended by 1994 PA 443, section 2016 as added by 1982 PA 7, section 2213b as added by 1996 PA 517, section 4424 as amended by 1982 PA 27, section 5800 as amended by 1984 PA 386, and section 8199a as amended by 1994 PA 226, and by adding sections 839, 4419, and 5904.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senators Shugars, Rogers, Bennett, Stille, Byrum, McManus, North, Hart and Gougeon moved that they be named co-sponsors of the following bill:

**Senate Bill No. 1007**

The motion prevailed.

**Senate Bill No. 603, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2 and 8 (MCL 722.622 and 722.628), section 2 as amended by 1996 PA 581 and section 8 as amended by 1997 PA 166, and by adding section 8d.

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

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

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detention in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 2, 7, 8, and 8b (MCL 722.622, 722.627, 722.628, and 722.628b), section 2 as amended by 1996 PA 581, section 7 as amended and section 8b as added by 1997 PA 168, and section 8 as amended by 1997 PA 166, and by adding section 8d.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 896****Yeas—38**

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

**Nays—0****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.

The Senate agreed to the title as amended.

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

**Senate Bill No. 954, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 13a and 17c of chapter XIIA (MCL 712A.13a and 712A.17c), section 13a as amended by 1997 PA 163 and section 17c as amended by 1997 PA 169, and by adding section 17d to chapter XIIA.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 13a, 17c, 18f, and 19 of chapter XIIA (MCL 712A.13a, 712A.17c, 712A.18f, and 712A.19), sections 13a, 18f, and 19 as amended by 1997 PA 163 and section 17c as amended by 1997 PA 169, and by adding section 17d to chapter XIIA.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 897****Yeas—38**

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

**Nays—0****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.  
The Senate agreed to the title as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 955, entitled**

A bill to amend 1978 PA 642, entitled "Revised probate code," by amending sections 6, 8, 427, and 437 (MCL 700.6, 700.8, 700.427, and 700.437), section 8 as amended by 1988 PA 398 and sections 427 and 437 as amended by 1990 PA 313, and by adding section 427a.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 642, entitled "An act to revise and consolidate the laws relative to the probate of decedents' estates, guardianships, conservatorships, protective proceedings, trusts, and powers of attorney; to prescribe penalties and liabilities; and to repeal certain acts and parts of acts," by amending sections 3, 8, 427, and 437 (MCL 700.3, 700.8, 700.427, and 700.437), section 3 as amended by 1988 PA 222, section 8 as amended by 1988 PA 398, and sections 427 and 437 as amended by 1990 PA 313, and by adding section 427a.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 898****Yeas—38**

Bennett	Dingell	McManus	Schwarz
Berryman	Dunaskiss	Miller	Shugars
Bouchard	Emmons	Murphy	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille

Cisky  
Conroy  
DeBeaussaert  
DeGrow

Hart  
Hoffman  
Jaye  
Koivisto

Posthumus  
Rogers  
Schuette

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**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.  
The Senate agreed to the title as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1032, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 10 (MCL 722.627 and 722.630), section 7 as amended by 1997 PA 168.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 2, 7, and 10 (MCL 722.622, 722.627, and 722.630), section 2 as amended by 1996 PA 581 and section 7 as amended by 1997 PA 168.

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

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

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

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

**Roll Call No. 899**

**Yeas—37**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert  
DeGrow

Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye

Koivisto  
McManus  
Miller  
Murphy  
North  
Peters  
Posthumus  
Rogers  
Schuette

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

**Nays—0**

**Excused—0**

**Not Voting—1**

O'Brien

In The Chair: President

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

**Senate Bill No. 1152, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 18f, 19b, and 19c of chapter XIIA (MCL 712A.18f, 712A.19b, and 712A.19c), section 18f as amended by 1997 PA 163, section 19b as amended by 1997 PA 169, and section 19c as added by 1988 PA 224.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 19, after "days." by striking out the balance of the subdivision.
2. Amend page 11, line 22, after "hearing." by inserting "IF A PETITION TO TERMINATE PARENTAL RIGHTS TO A CHILD IS FILED, PARENTING TIME FOR A PARENT WHO IS A SUBJECT OF THE PETITION IS AUTOMATICALLY SUSPENDED AND, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, REMAINS SUSPENDED AT LEAST UNTIL A DECISION IS ISSUED ON THE TERMINATION PETITION. IF A PARENT WHOSE PARENTING TIME IS SUSPENDED UNDER THIS SUBSECTION ESTABLISHES, AND THE COURT DETERMINES, THAT PARENTING TIME WILL NOT HARM THE CHILD, THE COURT MAY ORDER PARENTING TIME IN THE AMOUNT AND UNDER THE CONDITIONS THE COURT DETERMINES APPROPRIATE.".
3. Amend page 13, following line 3, by inserting:  
 "Enacting section 1. This amendatory act takes effect March 1, 1999."  
 The House of Representatives has passed the bill as amended and ordered that it be given immediate effect. Pending the order that, under rule 3.202, the bill be laid over one day, Senator DeGrow moved that the rule be suspended. The motion prevailed, a majority of the members serving voting therefor. The question being on concurring in the amendments made to the bill by the House, The amendments were concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 900**

**Yeas—38**

Bennett	Dingell	McManus	Schwarz
Berryman	Dunaskiss	Miller	Shugars
Bouchard	Emmons	Murphy	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille

Cisky  
Conroy  
DeBeaussaert  
DeGrow

Hart  
Hoffman  
Jaye  
Koivisto

Posthumus  
Rogers  
Schuette

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 1210, entitled**

A bill to amend 1978 PA 642, entitled "Revised probate code," by amending section 424 (MCL 700.424), as amended by 1996 PA 8.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 901**

**Yeas—37**

Bennett  
Berryman  
Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert  
DeGrow  
Dingell

Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye  
Koivisto

McManus  
Miller  
Murphy  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Bouchard

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. 1211, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2637, 2640, 16648, 18117, and 18237 (MCL 333.2637, 333.2640, 333.16648, 333.18117, and 333.18237), section 2640 as added by 1996 PA 307 and sections 16648, 18117, and 18237 as amended by 1993 PA 79, and by adding section 16281.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

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

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

**Roll Call No. 902**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
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. 1212, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 6 (MCL 722.956).  
The House of Representatives has amended the bill as follows:

1. Amend page 3, line 23, after "WITH" by inserting "WRITTEN COPIES, OTHER THAN THOSE PORTIONS MADE CONFIDENTIAL BY STATE OR FEDERAL LAW, OF".

2. Amend page 5, following line 5, by inserting:

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

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

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

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

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

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

**Roll Call No. 903****Yeas—36**

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

**Nays—0****Excused—0****Not Voting—2**

Posthumus                      Van Regenmorter

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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. 1225, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a, 161, and 748 (MCL 330.1100a, 330.1161, and 330.1748), section 100a as added and section 161 as amended by 1995 PA 290 and section 748 as amended by 1996 PA 588, and to add section 748a.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 904****Yeas—37**

Bennett	Dingell	McManus	Schwarz
Berryman	Dunaskiss	Miller	Shugars
Bouchard	Emmons	Murphy	Smith, A.

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Gast

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The President's statement is as follows:

This almost completes the children's package of legislation. There is one bill over in the House of Representatives. Things would not be ordinary if we did not have a trailer. There will be one bill that will come back to us, hopefully sometime this afternoon; that is Senate Bill No. 956.

At this time I would like to tell you that, even though the Christmas season does usually have red and green mixed together, I am extremely pleased that all those votes were green today, and the only red I saw was Santa Claus's hat on Senator Dingell as I looked out here.

I brought John Binsfeld with me today just in case I had any trouble getting these bills through. He has suffered in the background while I waited for all this to happen.

I would like to congratulate all the Senators and their staff who have been very, very helpful with the children's legislation. All of you staff people have helped us out. Senators have been very, very understanding and patient. My own staff has done an outstanding job. I want to thank everybody today, in the name of the children.

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

**Senate Bill No. 4, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11514a.

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

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 11546 (MCL 324.11546) and by adding section 11514a.

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

**Senate Bill No. 105, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39c. The House of Representatives has amended the bill as follows:

1. Amend page 1, line 2, after "1998" by inserting "AND BEFORE JANUARY 1, 2003".

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

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

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

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

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

**Roll Call No. 905****Yeas—36**

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

**Nays—0****Excused—1**

Gast

**Not Voting—1**

O'Brien

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. 106, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 1, after the first "YEAR" by striking out the balance of the line through "1999" on line 2 and inserting "THROUGH THE 2002".

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

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

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

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

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

**Roll Call No. 906****Yeas—36**

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

**Nays—0****Excused—1**

Gast

**Not Voting—1**

O'Brien

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. 767, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43516, 73101, 73102, 73109, and 73110 (MCL 324.43516, 324.73101, 324.73102, 324.73109, and 324.73110), section 43516 as added by 1995 PA 57 and sections 73101, 73102, 73109, and 73110 as added by 1995 PA 58.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 1, by striking out all of section 43516.

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 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 73101, 73102, 73109, and 73110 (MCL 324.73101, 324.73102, 324.73109, and 324.73110), section 43516 as added by 1995 PA 57 and sections 73101, 73102, 73109, and 73110 as added by 1995 PA 58.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 907****Yeas—37**

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

**Nays—0****Excused—1**

Gast

**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 not concurred in, 2/3 of the members serving not voting therefor.  
 The Senate agreed to the title as amended.  
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 768, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4701, 8401a, and 8424 (MCL 600.4701, 600.8401a, and 600.8424), section 4701 as amended by 1997 PA 156, section 8401a as added by 1984 PA 278, and section 8424 as amended by 1991 PA 192.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending sections 4701, 8401a, and 8424 (MCL 600.4701, 600.8401a, and 600.8424), section 4701 as amended by 1998 PA 141, section 8401a as added by 1984 PA 278, and section 8424 as amended by 1991 PA 192.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 908****Yeas—36**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars

Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	Murphy	Smith, V.
Byrum	Geake	North	Steil
Cherry	Gougeon	O'Brien	Stille
Cisky	Hart	Peters	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn
DeBeaussaert	Jaye	Schuetz	Young

**Nays—0**

**Excused—1**

Gast

**Not Voting—1**

Posthumus

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.  
The Senate agreed to the title as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 820, entitled**

A bill to license and regulate bail recovery agents; to provide for certain powers and duties for certain state agencies and law enforcement agencies; to require the obtaining of surety devices by licensees; to provide for the imposition of certain fees and establishment of certain standards of operation of licensees; to provide for the promulgation of rules; and to provide remedies and prescribe penalties.

The House of Representatives has amended the bill as follows:

1. Amend page 6, line 5, by striking out all of lines 5 and 6 and inserting "felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both:".

2. Amend page 6, line 19, after "misdemeanor" by striking out the balance of the subsection and inserting "punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:".

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 909**

**Yeas—34**

Bennett	Dingell	Miller	Shugars
Bouchard	Dunaskiss	Murphy	Smith, A.
Bullard	Emmons	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille

Cisky  
Conroy  
DeBeaussaert  
DeGrow

Hart  
Hoffman  
Koivisto  
McManus

Rogers  
Schuette  
Schwarz

Van Regenmorter  
Vaughn  
Young

**Nays—1**

Jaye

**Excused—1**

Gast

**Not Voting—2**

Berryman

Posthumus

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 841, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," (MCL 552.501 to 552.535) by adding sections 4b and 4c.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 12, after "IN" by striking out "SECTION" and inserting "SUBSECTION".
2. Amend page 3, line 16, by striking out all of line 16 and inserting "GROUNDS FOR REMOVAL FROM THE COMMITTEE."
3. Amend page 3, following line 19, by inserting:  
"Enacting section 1. This amendatory act takes effect March 1, 1999."

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 910**

**Yeas—35**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert

DeGrow  
Dingell  
Dunaskiss  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye  
Koivisto

McManus  
Miller  
Murphy  
North  
O'Brien  
Peters  
Rogers  
Schuette  
Schwarz

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

**Nays—0**

**Excused—1**

Gast

**Not Voting—2**

Emmons

Posthumus

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. 1019, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1204c (MCL 500.1204c), as amended by 1996 PA 466.

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 16, after “MANAGEMENT” by inserting a comma and “EXCLUDING TELEMARKETING OR OTHER MARKETING INSTRUCTION”.

2. Amend page 6, line 5, after “MANAGEMENT” by inserting a comma and “EXCLUDING TELEMARKETING OR OTHER MARKETING INSTRUCTION”.

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 911**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Gast

**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.  
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. 1021, entitled**

A bill to repeal local acts prohibiting or restricting Sunday hunting.

The House of Representatives has amended the bill as follows:

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

“Enacting section 2. (1) Enacting section 1 does not take effect unless submitted to a vote of the qualified electors of Macomb county and approved by a majority of the electors voting on the question. The county board of commissioners of Macomb county may submit the question of approval to enacting section 1 to the qualified electors of Macomb county at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of Macomb county. If submitted, the question shall be submitted in substantially the following form:

“Shall enacting section 1 of 1998 Local Act \_\_\_\_\_, which would repeal 1947 LA 9 and therefore would permit hunting, on Sunday, for game animals and game birds in the county of Macomb, be adopted?

Yes ( )

No ( )”.

(2) If a majority of the qualified electors voting on the question vote in favor of the adoption of enacting section 1, the repeal of the act to prevent hunting, on Sunday, for game animals and game birds in the county of Macomb, 1947 LA 9, becomes effective 10 days following the certification of the election results.

Enacting section 3. 1939 LA 4 is repealed.

Enacting section 4. (1) Enacting section 3 does not take effect unless submitted to a vote of the qualified electors of St. Clair county and approved by a majority of the electors voting on the question. The county board of commissioners of St. Clair county may submit the question of approval of enacting section 3 to the qualified electors of St. Clair county at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of St. Clair county. If submitted, the question shall be submitted in substantially the following form:

“Shall enacting section 3 of 1998 Local Act \_\_\_\_\_, which would repeal 1939 LA 4 and therefore would permit hunting, on Sunday, with firearms or dogs in the county of St. Clair, be adopted?

Yes ( )

No ( )”.

(2) If a majority of the qualified electors voting on the question vote in favor of the adoption of enacting section 3, the repeal of 1939 LA 4 becomes effective 10 days following the certification of the election results.”.

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

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

Senator DeGrow moved that the rule be suspended.

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

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

Senator Jaye offered the following amendments to the amendment:

1. Amend the House Amendment, page 1, following line 5, enacting section 2, after “(1) Enacting section 1 does not take effect unless” by striking out “submitted to a vote of the qualified electors of Macomb county and approved by a majority of the electors voting on the question. The county board of commissioners of Macomb county may submit the question of approval to enacting section 1 to the qualified electors of Macomb county at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of Macomb county. If submitted, the” and inserting “approved by a majority of the qualified electors of Macomb county voting on the question. The question of approval of enacting section 1 shall be submitted to the qualified electors of Macomb county by the Macomb county clerk at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of Macomb county. The”.

2. Amend the House Amendment, page 1, following line 5, enacting section 4, after “(1) Enacting section 3 does not take effect unless” by striking out “submitted to a vote of the qualified electors of St. Clair county and approved by a majority of the electors voting on the question. The county board of commissioners of St. Clair county may submit the question of approval of enacting section 3 to the qualified electors of St. Clair county at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of St. Clair county. If submitted, the” and inserting “approved by a majority of the qualified electors of St. Clair county voting on the question. The question of approval of enacting section 3 shall be submitted to the qualified electors of St. Clair county by the St. Clair county clerk at the next regular election to be held not less than 60 days after the effective date of this act, or at a special election called for that purpose by the county board of commissioners of St. Clair county. The”.

The amendments to the amendment were adopted.

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

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

**Roll Call No. 912**

**Yeas—36**

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

**Nays—1**

Van Regenmorter

**Excused—1**

Gast

**Not Voting—0**

In The Chair: President

Senator Gast entered the Senate Chamber.

**Senate Bill No. 1183, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 55, 115b, 116, 117a, and 117c (MCL 400.55, 400.115b, 400.116, 400.117a, and 400.117c), section 55 as amended by 1987 PA 266, sections 115b and 117a as amended by 1988 PA 75, and section 117c as amended by 1988 PA 223, and by adding sections 115o and 117g.

The House of Representatives has amended the bill as follows:

1. Amend page 10, line 21, after “BEFORE” by striking out “MARCH 1, 1998” and inserting “THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION”.

2. Amend page 13, line 27, after “services.” by inserting “A JUVENILE JUSTICE SERVICE APPROVED BY THE OFFICE OR COUNTY JUVENILE AGENCY MUST MEET ALL APPLICABLE STATE AND LOCAL GOVERNMENT LICENSING STANDARDS.”.

3. Amend page 19, line 15, after “1,” by striking out “1996” and inserting “1997”.

4. Amend page 20, line 15, after “1,” by striking out “1996” and inserting “1997”.

5. Amend page 20, line 17, after “1,” by striking out “1997” and inserting “1999”.

6. Amend page 21, line 20, after “1,” by striking out “1997” and inserting “1998”.

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

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

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the 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. 913**

**Yeas—34**

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

**Nays—3**

Bennett	DeBeaussaert	Smith, A.
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**Excused—0**

**Not Voting—1**

Stille

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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. 1184, entitled**

A bill to amend 1974 PA 150, entitled “Youth rehabilitation services act,” by amending the title and sections 2, 3, 4, 5, 6, 6a, 7, 7a, and 8 (MCL 803.302, 803.303, 803.304, 803.305, 803.306, 803.306a, 803.307, 803.307a, and 803.308), the title as amended and section 7a as added by 1996 PA 512, sections 2, 5, and 7 as amended by 1996 PA 417, section 4 as amended by 1988 PA 76, and section 6a as added by 1996 PA 481, and by adding section 2a.

The House of Representatives has amended the bill as follows:

1. Amend page 7, line 2, after “agency” by inserting a comma.

2. Amend page 7, line 3, by striking out “THAT IS EQUIVALENT TO THE DEPARTMENT” and inserting “PROVIDED THAT THE PROGRAM WHICH THE YOUTH AGENCY SEEKS TO PLACE A PUBLIC WARD

MEETS LICENSING LAWS, REQUIREMENTS, AND RULES REQUIRED FOR THE PLACEMENT OF A PUBLIC WARD WITH A PUBLIC OR PRIVATE INSTITUTION OR AGENCY IN MICHIGAN.”.

3. Amend page 7, line 14, after “BEFORE” by striking out “MARCH 1, 1998” and inserting “THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE”.

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

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

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

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

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

**Roll Call No. 914**

**Yeas—35**

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

**Nays—2**

Bennett	Smith, A.
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**Excused—0**

**Not Voting—1**

Steil

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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. 1185, entitled**

A bill to allow counties to authorize acceptance of certain juveniles committed to their care and responsibility; to prescribe the procedure and effect of that authorization; and to prescribe powers, duties, and obligations of those counties.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 27, after “agencies” by inserting a comma and “if those services meet all applicable state and local government licensing standards”.

2. Amend page 5, following line 23, by striking out all of subsection (7) and renumbering the remaining subsection.

3. Amend page 6, following line 11, by inserting:

“Sec. 10a. If the county assumes the operation of any facility operated by the family independence agency, the county shall be a successor employer. Employees under a successor employer agreement shall not be placed in any worse position with respect to worker’s compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as a family independence agency employee. This provision shall also apply if the county leases such a facility to a private agency or a public agency other than the state.

Sec. 10b. The family independence agency shall adopt a plan to aid employees of the family independence agency not described in section 10a who are negatively impacted as a result of this act. The plan shall be developed in conjunction with employee collective bargaining units and shall address and recommend remedies for displaced employees including, but not limited to, interdepartmental transfers, intradepartmental transfers, employee retraining, appropriate severance packages, and job placement aid. The plan, including the recommendations, shall be submitted to the house and senate appropriations committees, the state employer, and the affected collective bargaining units no later than September 1, 1999.”

4. Amend page 6, line 15, after “of” by striking out the balance of the sentence and inserting “the effective date of this act. This section shall not limit the powers and authority granted under this act to a county juvenile agency, including the discretion to select and contract with providers of juvenile residential care.”.

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 915**

**Yeas—34**

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

**Nays—2**

Bennett	Smith, A.
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**Excused—0**

**Not Voting—2**

Hart	Stille
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In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

**Senate Bill No. 1187, entitled**

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending sections 1, 2, 2d, 8, 16, 18, 18a, 18k, 25, and 28 of chapter XIA (MCL 712A.1, 712A.2, 712A.2d, 712A.8, 712A.16, 712A.18, 712A.18a, 712A.18k, 712A.25, and 712A.28), sections 1, 2, 8, 16, and 28 as amended by 1996 PA 409, section 2d as added by 1996 PA 244, section 18 as amended by 1997 PA 163, and section 18k as added by 1996 PA 507, and by adding section 2e to chapter XIA.

The House of Representatives has amended the bill as follows:

1. Amend page 11, following line 10, by inserting:

“(H) BEGINNING MARCH 1, 1999, JURISDICTION OVER A PROCEEDING UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, IN WHICH A MINOR LESS THAN 18 YEARS OF AGE IS THE RESPONDENT. VENUE FOR AN INITIAL ACTION UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, IS PROPER IN THE COUNTY OF RESIDENCE OF EITHER THE PETITIONER OR RESPONDENT. IF THE RESPONDENT DOES NOT LIVE IN THIS STATE, VENUE FOR THE INITIAL ACTION IS PROPER IN THE PETITIONER’S COUNTY OF RESIDENCE.”.

2. Amend page 21, line 8, after “chapter,” by inserting “OR UNDER SECTION 2(H) OF THIS CHAPTER FOR A SUPPLEMENTAL PETITION.”.

3. Amend page 22, line 9, after “DESIGNATES.” by inserting “IF A CHILD IS NOT LESS THAN 17 YEARS OF AGE AND IS IN VIOLATION OF A PERSONAL PROTECTION ORDER, THE COURT MAY COMMIT THE CHILD TO A COUNTY JAIL WITHIN THE ADULT PRISONER POPULATION.”.

4. Amend page 33, following line 10, by inserting:

“(16) IN A PROCEEDING UNDER SECTION 2(H) OF THIS CHAPTER, THIS SECTION SHALL ONLY APPLY TO A DISPOSITION FOR A VIOLATION OF A PERSONAL PROTECTION ORDER AND SUBSEQUENT PROCEEDINGS.”.

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 916**

**Yeas—35**

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

**Nays—2**

Bennett	Smith, A.
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**Excused—0**

**Not Voting—1**

Stille

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1188, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter I, section 1f of chapter IV, section 14 of chapter VI, sections 1, 1b, and 28 of chapter IX, and sections 1, 2, 2a, 3, 3a, 3c, 4, 5, 7, and 14a of chapter XI, (MCL 761.1, 764.1f, 766.14, 769.1, 769.1b, 769.28, 771.1, 771.2, 771.2a, 771.3, 771.3a, 771.3c, 771.4, 771.5, 771.7, and 771.14a), section 1 of chapter I and section 14 of chapter VI as amended by 1996 PA 418, section 1f of chapter IV as amended by 1996 PA 255, section 1 of chapter IX as amended by 1996 PA 248, section 1b of chapter IX and section 7 of chapter XI as amended by 1996 PA 247, section 28 of chapter IX and sections 3a, 4, and 5 of chapter XI as amended and section 14a of chapter XI as added by 1988 PA 78, sections 1 and 3c of chapter XI as amended by 1993 PA 185, section 2 of chapter XI as amended by 1994 PA 286, section 2a of chapter XI as added by 1992 PA 251, and section 3 of chapter XI as amended by 1994 PA 445.

The House of Representatives has amended the bill as follows:

1. Amend page 31, line 20, after "(1)(f)" by striking out "OR (G)".
2. Amend page 32, following line 7, by inserting:

"(O) BE SUBJECT TO CONDITIONS REASONABLY NECESSARY FOR THE PROTECTION OF 1 OR MORE NAMED PERSONS.

(P) REIMBURSE THE COUNTY FOR EXPENSES INCURRED BY THE COUNTY IN CONNECTION WITH THE CONVICTION FOR WHICH PROBATION WAS ORDERED AS PROVIDED IN THE PRISONER REIMBURSEMENT TO THE COUNTY ACT, 1984 PA 118, MCL 801.81 TO 801.93."

3. Amend page 32, line 13, after "proper." by inserting:

"(5) IF AN ORDER OR AMENDED ORDER OF PROBATION CONTAINS A CONDITION FOR THE PROTECTION OF 1 OR MORE NAMED PERSONS AS PROVIDED IN SUBSECTION (2)(O), THE COURT OR A LAW ENFORCEMENT AGENCY WITHIN THE COURT'S JURISDICTION SHALL ENTER THE ORDER OR AMENDED ORDER INTO THE LAW ENFORCEMENT INFORMATION NETWORK. IF THE COURT RESCINDS THE ORDER OR AMENDED ORDER OR THE CONDITION, THE COURT SHALL REMOVE THE ORDER OR AMENDED ORDER OR THE CONDITION FROM THE LAW ENFORCEMENT INFORMATION NETWORK OR NOTIFY THAT LAW ENFORCEMENT AGENCY AND THE LAW ENFORCEMENT AGENCY SHALL REMOVE THE ORDER OR AMENDED ORDER OR THE CONDITION FROM THE LAW ENFORCEMENT INFORMATION NETWORK.

(6)" and renumbering the remaining subsections.

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 917****Yeas—35**

Berryman	Dingell	Koivisto	Schuette
Bouchar	Dunaskiss	McManus	Schwarz
Bullard	Emmons	Miller	Shugars
Byrum	Gast	Murphy	Smith, V.
Cherry	Geake	North	Steil
Cisky	Gougeon	O'Brien	Van Regenmorter

Conroy  
DeBeaussaert  
DeGrow

Hart  
Hoffman  
Jaye

Peters  
Posthumus  
Rogers

Vaughn  
Young

**Nays—2**

Bennett

Smith, A.

**Excused—0**

**Not Voting—1**

Stille

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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. 1197, entitled**

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending sections 3 and 5 (MCL 141.473 and 141.475).

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 10, after "6," by striking out "11/17" and inserting "12/17".
2. Amend page 4, line 23, after "remaining" by striking out "6/17" and inserting "5/17".

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 918**

**Yeas—35**

Berryman  
Bouchard  
Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert  
DeGrow

Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye

Koivisto  
McManus  
Miller  
Murphy  
North  
O'Brien  
Peters  
Posthumus  
Rogers

Schuetz  
Schwarz  
Shugars  
Smith, V.  
Steil  
Stille  
Vaughn  
Young

**Nays—2**

Bennett

Smith, A.

**Excused—0**

**Not Voting—1**

Van Regenmorter

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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. 1218, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 1001b and 1003b (MCL 330.2001b and 330.2003b), section 1001b as amended by 1995 PA 290 and section 1003b as amended by 1993 PA 252.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disabilities; to establish guardianship procedures for individuals with development disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending section 1001b (MCL 330.2001b), as amended by 1995 PA 290.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 919**

**Yeas—35**

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

**Nays—1**

Berryman

**Excused—0**

**Not Voting—2**

Posthumus

Steil

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the title as amended.

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

**Senate Bill No. 1220, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 139, 193, 197c, and 231 (MCL 750.139, 750.193, 750.197c, and 750.231), section 139 as amended by 1991 PA 145, section 193 as amended by 1988 PA 167, and section 231 as amended by 1981 PA 103.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 920****Yeas—34**

Bennett

Dingell

Koivisto

Schuette

Bouchard

Dunaskiss

McManus

Schwarz

Bullard

Emmons

Miller

Shugars

Byrum

Gast

Murphy

Smith, V.

Cherry

Geake

North

Stille

Cisky

Gougeon

O'Brien

Van Regenmorter

Conroy

Hart

Peters

Vaughn

DeBeaussaert

Hoffman

Rogers

Young

DeGrow

Jaye

**Nays—2**

Berryman

Smith, A.

**Excused—0****Not Voting—2**

Posthumus

Steil

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.  
 The motion prevailed, 2/3 of the members serving voting therefor.  
 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. 1221, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 23 of chapter IV (MCL 764.23), as amended by 1988 PA 137.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 921**

**Yeas—33**

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

**Nays—2**

Berryman	Smith, A.
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**Excused—0**

**Not Voting—3**

Miller	Posthumus	Steil
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In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.  
 The motion prevailed, 2/3 of the members serving voting therefor.  
 The Senate agreed to the full title.  
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senator Miller entered the Senate Chamber.

**Senate Bill No. 1222, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 20g, 29, 34, 63, 63a, 65, 69a, and 70 (MCL 791.220g, 791.229, 791.234, 791.263, 791.263a, 791.265, 791.269a, and 791.270), section 20g as added by 1996 PA 164, section 34 as amended by 1994 PA 345, section 65 as amended by 1994 PA 217, section 69a as added by 1990 PA 42, and section 70 as added by 1993 PA 255.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 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, 29, 34, 63, 63a, 65, 69a, and 70 (MCL 791.220g, 791.229, 791.234, 791.263, 791.263a, 791.265, 791.269a, and 791.270), section 20g as added by 1996 PA 164, section 34 as amended by 1998 PA 315, section 65 as amended by 1994 PA 217, section 69a as added by 1990 PA 42, and section 70 as added by 1993 PA 255.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 922****Yeas—33**

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

**Nays—2**

Berryman	Smith, A.
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**Excused—0**

**Not Voting—3**

Gast

Hoffman

Jaye

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the title as amended.

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

**Protests**

Senators Berryman and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitutes to Senate Bill Nos. 1218, 1220, 1221 and 1222.

Senator Berryman moved that the statement he made during the discussion of Senate Bill No. 1221 be printed as his reasons for voting “no.”

The motion prevailed.

Senator Berryman’s statement, in which Senator A. Smith concurred, is as follows:

What this bill allows is a privately contracted employee to shoot and kill a 14- or 15-year-old child escaping from a privatized children’s prison. My opposition all along has been, especially when it comes to children, that when those individuals are sentenced to a correctional facility, they are the responsibility of the state and not to be privatized out. That was the number one concern. Then, to allow an employee of a private company, not a state employee, but a private individual to shoot and kill a 14-year-old child, which I think would be escaping for totally different reasons than for a 35-, 40-, or 50-year-old out of the Adrian facility. I think there is a big difference, and I think you need to differentiate between those. For those reasons, I am voting against this bill and the package.

**Senate Bill No. 1314, entitled**

A bill to amend 1951 PA 90, entitled “An act to regulate the conducting of racing meets in the state of Michigan; to provide for the possession, control and disposition of funds held by licensees for the payment of outstanding winning tickets not claimed or demanded by the lawful owners of such funds; and to prescribe penalties for violations of the provisions of this act,” by amending sections 2, 3, and 4 (MCL 431.252, 431.253, and 431.254); and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 923****Yeas—36**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert

DeGrow  
Dingell  
Dunaskiss  
Emmons  
Geake  
Gougeon  
Hart  
Hoffman  
Koivisto

McManus  
Miller  
Murphy  
North  
O’Brien  
Peters  
Posthumus  
Rogers  
Schuette

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

**Nays—1**

Jaye

**Excused—0****Not Voting—1**

Gast

In The Chair: President

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

**Protest**

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 1314.

Senator Jaye's statement is as follow:

I voted "no" because we didn't get a verbal explanation on what we were voting on. We didn't get a written explanation about what we were voting on. There wasn't a capitol access summary of what we were voting on, and we just overwrote the constitutional prohibition of having a bill take effect on April 1 the next year, unless there is a higher level of priority. I know we've been in session since 10:00 a.m., but I wish the bill manager or the chair that has jurisdiction over this legislation would at least give us a verbal description of what the House amendments are. And, if we don't have a verbal, written, or electronic explanation, then this legislation should pass over, and we can wait. We are going to be waiting anyway to midnight or so for the Indian casino lobbyists to be able to cobble together enough votes. So, I would hope we are not going to vote on many more bills on which hardly anybody out of 38 Senators has an idea of what the content is of the legislation that's before us today.

**Senate Bill No. 1362, entitled**

A bill to amend 1996 PA 462, entitled "Enhanced access to public records act," by amending sections 2 and 3 (MCL 15.442 and 15.443).

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 4, after "(4)" by striking out the balance of the line through "under" on line 5, and inserting "ACCESS TO OR OUTPUT FROM A GEOGRAPHICAL INFORMATION SYSTEM SHALL BE MADE AVAILABLE ONLY IN ACCORDANCE WITH SUBSECTIONS (1), (2), AND (3). EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1), (2), AND (3), THIS ACT DOES NOT LIMIT THE INSPECTION AND COPYING OF A PUBLIC RECORD PURSUANT TO".

2. Amend page 5, line 6, after "15.246." by striking out the balance of the line through "15.246." on line 10.

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 924****Yeas—35**

Bennett  
Berryman  
Bouchard

DeGrow  
Dingell  
Dunaskiss

Koivisto  
McManus  
Miller

Schwarz  
Shugars  
Smith, A.

Bullard	Emmons	Murphy	Steil
Byrum	Gast	North	Stille
Cherry	Geake	Peters	Van Regenmorter
Cisky	Gougeon	Posthumus	Vaughn
Conroy	Hart	Rogers	Young
DeBeaussaert	Hoffman	Schuette	

**Nays—1**

Jaye

**Excused—0****Not Voting—2**

O'Brien                      Smith, V.

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.

By unanimous consent the Senate returned to the order of

**Conference Reports****House Bill No. 4738, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 251 (MCL 257.251), as amended by 1993 PA 300.

(For text of conference report, see Senate Journal No. 74, p. 2135.)

The question being on the adoption of the conference report,

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

**Roll Call No. 925****Yeas—31**

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

**Nays—4**

Bouchard                      Peters                      Rogers                      Schwarz

**Excused—0**

**Not Voting—3**

Murphy

Posthumus

Vaughn

In The Chair: President

**Protests**

Senators Peters, Bouchard and Rogers, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the conference report on House Bill No. 4738.

Senator Peters moved that the statement he made during the discussion of the conference report be printed as his reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement is as follows:

I did not sign the conference report and did not support this conference report, although I will agree with the previous speaker that the conference report is better than the version that came over from the House of Representatives. I believe, unfortunately, the Senate version that was passed will also effectively put auto brokers out of business. I think it is wrong to use the power of state government to effectively put a private business out of business. That is what the result will be, because it will give an additional mechanism for other auto dealers and auto manufacturers to use retribution against auto dealers that may work with an auto broker.

Auto brokers do perform a service in the market place. They obviously perform a valuable service, because customers seek them out and purchase automobiles through an auto broker. However, I believe this bill before us and this conference report before us will effectively end that business. As I said earlier, it is wrong to use the power of state government to put out of business a private concern that is meeting a need in the market place. I would urge a “no” vote.

Senator Bouchard’s statement, in which Senator Rogers concurred, is as follows:

As in the previous version, this had language that required filings with the Secretary of State information between two private individuals entering into a business arrangement. It disclosed and required disclosure of some of the components of that particular business arrangement including commissions that were paid. I think those kinds of points of information are, and rightfully should be, between the two consenting parties that engaged in that commercial transaction. That is not the government’s right to have access to that information or further to demand that it be filed with them and availed to public scrutiny. What one individual agrees voluntarily to do, as a business transaction with another person and the compensation commensurate with that transaction, I think are between those two parties. To put that kind of provision in place, not only in this profession but frankly in any profession, I think is wrong. I think it is an unwarranted intrusion of government into the private commerce section, and therefore, I voted “no.”

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

The motion prevailed.

Senator Schuette’s statement is as follows:

This is one of two bills, House Bill Nos. 4738 and 4740 that deals with auto brokering and auto franchising. This is an effort we worked on for some time. The bill, as it first originated in the House, outlawed, banned, prohibited, and put out of business, closed the door on brokering. That was wrong. We breathed life back into the brokerage business. Now it will be maintained, healthy, viable, still exist, and so we basically saved the brokering business by our actions. And what we did in this bill is amend section 251 to require disclosure when a vehicle is sold in a brokering transaction. We have disclosure on other types of commercial and business transactions. This is no different, and we’ve maintained the viability and the integrity of the brokering business. I would urge adoption of this conference report.

**House Bill No. 4740, 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 sections 2, 3, 5, 13, and 14 (MCL 445.1562, 445.1563, 445.1565, 445.1573, and 445.1574), section 2 as amended by 1983 PA 188, and by adding section 22a.

(For text of conference report, see Senate Journal No. 74, p. 2138.)

The question being on the adoption of the conference report,

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

**Roll Call No. 926**

**Yeas—24**

Bennett	Dingell	Koivisto	Schwarz
Bouchard	Dunaskiss	McManus	Shugars
Byrum	Emmons	North	Steil
Cisky	Gast	O'Brien	Stille
DeBeaussaert	Geake	Rogers	Van Regenmorter
DeGrow	Hoffman	Schuette	Young

**Nays—10**

Berryman	Hart	Peters	Smith, V.
Cherry	Jaye	Smith, A.	Vaughn
Conroy	Miller		

**Excused—0**

**Not Voting—4**

Bullard	Gougeon	Murphy	Posthumus
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In The Chair: President

**Protests**

Senators Peters, Conroy and Miller, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the conference report on House Bill No. 4740.

Senator Peters' statement, in which Senator Conroy concurred, is as follows:

I voted "no" because I do not believe the distributorship should have been included in this bill. The bill, as originally introduced in the House of Representatives and passed in the House of Representatives, dealt with local dealerships and giving protections to local dealerships, which I agreed was necessary. I would have supported the bill had that been what we had before us.

Unfortunately that bill was changed in the Senate, with the addition of one dealership in the state of Michigan given extraordinary protection. That protection for that distributorship should not have been in this bill. Therefore, I voted "no."

Senator Miller's statement, in which Senator Conroy concurred, is as follows:

Like I mentioned earlier, I have supported the auto dealers in this state 100 percent. I think they do a good job. They are truly the family-oriented business in this state. Unfortunately, I was troubled when we write legislation to include one person, or one company, for that protectionism. I felt that we should have run the bill on the merits and not on protectionism.

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

The motion prevailed.

Senator Schuette's first statement is as follows:

This is the other half of the auto dealer bills, which covers specifically the area of franchising. House Bill No. 4740, introduced in the other house by Representative Alley, amends the Michigan vehicle code by regulating certain aspects of dealing in relationship between the manufacturers and the dealers in terms of their distribution, so it's not done in an arbitrary or capricious way. It deals with the issue of special equipment purchases and how many of those

must have those certain type of equipment or options. We did make sure that distributors in Michigan are dealt with the same way any other dealership might be. That's just a fundamental issue of fairness. We worked on these bills for some time. These were met with strong support by the auto dealer and groups in this state, which I think is constructive and positive. I would urge adoption of this conference report.

Senator Schuette's second statement is as follows:

I appreciate the question from my friend, the respected Senator from Macomb County. I think that the key thing here is a fundamental issue of fairness. There is a business in Grand Rapids that employs about 40 teamsters who are part of their business plan, and we wanted to make sure that that Michigan business had the same protections as any other car dealership in the state of Michigan. This business is a distributor of vehicles and owns dealerships as well. I guess the best example that I can give is that if we had the UAW making sure that their rights of collective bargaining are protected under Michigan law, which I am sure you want and I do. But, for some oddity, the electrical workers weren't covered and protected under their collective bargaining agreements. I think you'd probably be here wanting to make sure they had the same treatment under Michigan law, and I would be at your side making sure there is no disparity. So I give you that example when there is an anomaly in how one business is treated, it is unfair that they don't get the protection of any other business. That's why we made that change.

Senator Schuette's third statement is as follows:

Here is the reason we are including this Michigan company. There are some very specific reasons we are providing protection of Michigan laws to a Michigan-based company. These two sets of bills have dealt with auto brokers, manufacturers, dealerships, and yes, there happens to be a Michigan company. All those dealers and manufacturers are in Michigan. If I remember correctly, they manufacturer adaptations.

We have a Michigan company that is a distributor of automobiles. This is precisely the place where we should afford and provide them with the same protection under Michigan laws as any other type of similarly situated auto related company.

You have a choice here today. You can shaft, and you can stiff a Michigan company that employees some teamsters and other people, and say, "No, we are not going to protect you under Michigan law. If you ever have to arbitrate, if you get into a contractual battle with an automobile company, you have to go to California or another state to protect your rights, and we will not give you protection or coverage in Michigan."

Boy, I tell you, the collective bargaining hypothetical I gave you that we would be having screams and cries to make sure that we provide a union, their collective bargaining protection. We ought to do the same thing for any other type of business. This is simple fairness. Now if you choose to shaft and stiff a Michigan company and Michigan employees, that is your business. We should vote for this measure.

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

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

**House Bill No. 5986**

**House Bill No. 5365**

The motion prevailed.

#### **Recess**

Senator DeGrow moved that the Senate recess until 6:30 p.m.

The motion prevailed, the time being 4:05 p.m.

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

By unanimous consent the Senate proceeded to the order of

#### **Resolutions**

#### **House Concurrent Resolution No. 117.**

A concurrent resolution to rename the Michigan Civilian Conservation Corps' Camp Vanderbilt in the honor of State Representative Tom Mathieu.

Whereas, For more than twenty years the people of Grand Rapids and the State of Michigan have been admirably served by Representative Tom Mathieu, who has exercised exceptional leadership in the highest tradition of service and citizenship; and

Whereas, Representative Mathieu has dedicated himself to the betterment of the people of Michigan and the protection and improvement of our human and natural resources; and

Whereas, Tom Mathieu's ideals and vision have, time and again, served to raise the rhetoric and efforts of the entire Michigan legislature to the most noble plane of discourse and legislative dispensation; and

Whereas, Representative Mathieu's particular sponsorship of legislation empowering the Michigan Civilian Conservation Corps has resulted in the ability of independence seeking citizens to lift themselves up and improve their lives and the lives of their families; and

Whereas, The efforts of the Civilian Conservation Corps have resulted in the improvement of Michigan's parks and recreational areas, and the enhanced protection of our most precious natural resources; and

Whereas, The naming of public works for individuals is a traditional means of according respect and honor, particular in regards to a singular record of distinguished service and accomplishment such as that of Tom Mathieu; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature do hereby rename the Michigan Conservation Corps Camp Vanderbilt in honor of the distinguished Representative Tom Mathieu. Camp Vanderbilt shall from this day hence be known as Camp Mathieu in honor of the Representative Mathieu's unparalleled service, dedication and commitment to the citizens of Michigan.

The House of Representatives has adopted the concurrent resolution.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Young, McManus and DeBeaussaert were named co-sponsors of the concurrent resolution.

Senator DeGrow offered the following concurrent resolution:

**Senate Concurrent Resolution No. 104.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Friday, December 11, 1998, it stands adjourned until Tuesday, December 22, 1998, at 11:45 a.m. for the Senate and 10:00 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Tuesday, December 22, 1998, it stands adjourned without day.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senator DeGrow offered the following concurrent resolution:

**Senate Concurrent Resolution No. 105.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, December 10, 1998, it stands adjourned until Tuesday, December 22, 1998, at 11:45 a.m. for the Senate and 10:00 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Tuesday, December 22, 1998, it stands adjourned without day.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of

**Messages from the House**

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

**Senate Bill No. 240, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 17b, 20, 31a, 51a, 81, and 107 (MCL 388.1606, 388.1611, 388.1617b, 388.1620, 388.1631a, 388.1651a, 388.1681, and 388.1707), sections 6, 11, 17b, 20, 51a, 81, and 107 as amended by 1997 PA 93, and section 31a as amended by 1997 PA 24, and by adding sections 11e, 11f, 20k, 29, and 31c.

Substitute (H-2).

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

1. Amend page 30, line 27, after "pupils" by striking out "with handicaps as defined by the department" and inserting "WHO ARE ELIGIBLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES ACCORDING TO STATUTE OR RULE".

2. Amend page 43, following line 10, by inserting:

"Sec. 105. (1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing within the same intermediate district in membership without the approval of the pupil's district of residence, a district shall comply with this section.

(2) Except as otherwise provided in subsection (3), ~~or (4)~~, a district shall determine by June 1 whether or not it will accept applications for enrollment by nonresident applicants residing within the same intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents, beyond those entitled to preference under this section, the district shall do all of the following:

(a) By June 15, publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) At least until July 1, accept applications from nonresidents residing within the same intermediate district for enrollment in the available grades, schools, and programs.

(c) By July 15, using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll in the district and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents or legal guardians of nonresident applicants accepted for enrollment shall contain notification of the date by which the applicant must enroll in the district and procedures for enrollment.

~~(3) For 1996 only, the deadlines for the process described in subsection (2) are as follows:~~

~~(a) July 1 for determining whether or not the district will accept applications.~~

~~(b) July 15 for publishing the grades, schools, and special programs, if any, for which applications will be accepted.~~

~~(c) At least until August 1 for accepting applications.~~

~~(d) August 15 for determining which nonresident applicants will be allowed to enroll and notifying parents and legal guardians.~~

(3) ~~(4)~~ If deadlines similar to those described in subsection (2) have been established in an intermediate district pursuant to a pilot intermediate district schools of choice program under former section 91, and if those deadlines are not later than the deadlines under subsection (2), the districts within the intermediate district may continue to use those deadlines.

(4) ~~(5)~~ A district offering to enroll nonresident applicants residing within the same intermediate district may limit the number of nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use that limit as the reason for refusal to enroll an applicant.

(5) ~~(6)~~ A nonresident applicant residing within the same intermediate district shall not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(6) ~~(7)~~ A nonresident applicant residing within the same intermediate district shall not be granted or refused enrollment based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

(7) ~~(8)~~ A nonresident applicant residing within the same intermediate district shall not be granted or refused enrollment based upon religion, race, color, national origin, sex, height, weight, marital status, or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination.

(8) ~~(9)~~ A district may refuse to enroll a nonresident applicant if the applicant is, or has been within the preceding 2 years, suspended from another school or if the applicant has ever been expelled from another school.

(9) ~~(10)~~ A district shall give preference for enrollment over all other nonresident applicants residing within the same intermediate district to pupils who were enrolled in and attended the district in the school year immediately preceding the school year in question and to other school-age children who reside in the same household as the pupil.

(10) ~~(11)~~ If a nonresident pupil was enrolled in and attending school in a district as a nonresident pupil in the 1995-96 school year and continues to be enrolled continuously each school year in that district, the district shall allow that nonresident pupil to continue to enroll in and attend school in the district until high school graduation, without requiring the nonresident pupil to apply for enrollment under this section. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) ~~(12)~~ If the number of qualified nonresident applicants eligible for acceptance in a school, grade, or program does not exceed the positions available for nonresident pupils in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing within the same intermediate district eligible for acceptance exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section.

(12) ~~(13)~~ If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant, the district of residence shall provide that information on a timely basis.

(13) ~~(14)~~ If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(14) ~~(15)~~ This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(15) ~~(16)~~ If, in a particular state fiscal year, the total number of pupils enrolled and counted in membership in a district is less than 90% of the total number of pupils residing in the district who are enrolled and counted in membership in either that district or 1 or more other districts, the total amount of money allocated to that district under section 20 shall be adjusted so that the district receives a total allocation under section 20 equal to the amount the district would receive under section 20 if exactly 90% of the pupils residing in the district who are enrolled and counted in either that district or 1 or more other districts were enrolled and counted in membership in that district.

(16) ~~(17)~~ A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents pursuant to this section.

(17) ~~(18)~~ A district that, pursuant to this section, enrolls a nonresident pupil who is ~~a handicapped person, as defined in section 4 of the revised school code, being section 380.4 of the Michigan Compiled Laws~~ ELIGIBLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES ACCORDING TO STATUTE OR RULE, or who is a child with disabilities, as defined under the individuals with disabilities education act, TITLE VI OF Public Law 91-230, shall be considered to be the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education. Consistent with state and federal law, that district is responsible for developing and implementing an individualized education plan annually for a nonresident pupil described in this subsection.

(18) ~~(19)~~ If a district does not comply with this section, the district forfeits 10% of the total amount due to the district under section 20c.

(19) ~~(20)~~ Upon application by a district, the superintendent of public instruction may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

(20) ~~(21)~~ If an intermediate district is operating under an intermediate district pilot schools of choice program established under former section 91 or as described in section 91a, and if the superintendent of public instruction determines that the program is substantially similar to intermediate district schools of choice under this section, the superintendent of public instruction may exempt the intermediate district and its constituent districts from this section for not more than 1 year.

(21) ~~(22)~~ It is the intent of the legislature that this section will be reviewed before the 1999-2000 state fiscal year." The amendments to the substitute were adopted.

Senator Shugars offered the following amendments to the substitute:

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

"Sec. 6. (1) "Center program" means a program operated by a district or intermediate district for special education pupils from several districts in programs for the autistically impaired, trainable mentally impaired, severely mentally impaired, severely multiply impaired, hearing impaired, physically and otherwise health impaired, and visually impaired. Programs for emotionally impaired pupils housed in buildings that do not serve regular education pupils also qualify. Unless otherwise approved by the department, a center program either shall serve all constituent districts within an intermediate district or shall serve several districts with less than 50% of the pupils residing in the operating district. In addition, special education center program pupils placed part-time in noncenter programs to comply with the least restrictive environment provisions of section 612 of part B of the individuals with disabilities education act, title VI of Public Law 91-230, 20 U.S.C. 1412, may be considered center program pupils for pupil accounting purposes for the time scheduled in either a center program or a noncenter program.

(2) "District pupil retention rate" means the proportion of pupils who have not dropped out of school in the immediately preceding school year and is equal to 1 minus the quotient of the number of pupils unaccounted for in the immediately preceding school year, as determined pursuant to subsection (3), divided by the pupils of the immediately preceding school year.

(3) "District pupil retention report" means a report of the number of pupils, excluding migrant and adult, in the district for the immediately preceding school year, adjusted for those pupils who have transferred into the district, transferred out of the district, transferred to alternative programs, and have graduated, to determine the number of pupils who are unaccounted for. The number of pupils unaccounted for shall be calculated as determined by the department.

(4) "Membership", except as otherwise provided in this act, means for a district, public school academy, university school, or intermediate district the sum of the product of .6 times the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year, plus the product of .4 times the final audited count from the supplemental count day for the immediately preceding school year, as determined by the department and calculated by adding the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by a subsequent department audit. The amount of the foundation allowance for a pupil in membership is determined under section 20. In making the calculation of membership, all of the following, as applicable, apply to determining the membership of a district, public school academy, university school, or intermediate district:

(a) Except as otherwise provided in this subsection, a pupil shall be counted in membership in the pupil's educating district or districts. An individual pupil shall not be counted for more than a total of 1.0 full-time equated membership.

(b) If a pupil is educated in a district other than the pupil's district of residence and the educating district is not in the same intermediate district as the pupil's district of residence, if the pupil is not being educated as part of a cooperative education program, if the pupil's district of residence does not give the educating district its approval to count the pupil in membership in the educating district, and if the pupil is not covered by an exception specified in subsection (6) to the requirement that the educating district must have the approval of the pupil's district of residence to count the pupil in membership, the pupil shall not be counted in membership in any district.

(c) A special education pupil educated by the intermediate district shall be counted in membership in the intermediate district.

(d) A pupil placed by a court or state agency in an on-grounds program of a juvenile detention facility, a child caring institution, or a mental health institution, or a pupil funded under section 53a, shall be counted in membership in the district or intermediate district approved by the department to operate the program.

(e) A pupil enrolled in the Michigan schools for the deaf and blind shall be counted in membership in the pupil's intermediate district of residence.

(f) A pupil enrolled in a vocational education program supported by a millage levied over an area larger than a single district or in an area vocational-technical education program established pursuant to section 690 of the revised school code, MCL 380.690, shall be counted only in the pupil's district of residence.

(g) A pupil enrolled in a university school shall be counted in membership in the university school.

(h) A pupil enrolled in a public school academy shall be counted in membership in the public school academy.

(i) For a new district, university school, or public school academy beginning its operation after December 31, 1994, membership for the first 2 full or partial fiscal years of operation shall be determined as follows:

(i) If operations begin before the pupil membership count day for the fiscal year, membership is the average number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day for the current school year and on the supplemental count day for the current school year, as determined by the department and calculated by adding the number of pupils registered for attendance on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by a subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(ii) If operations begin after the pupil membership count day for the fiscal year and not later than the supplemental count day for the fiscal year, membership is the final audited count of the number of full-time equated pupils in grades K to 12 actually enrolled and in regular daily attendance on the supplemental count day for the current school year.

(j) If a district is the authorizing body for a public school academy, then, in the first school year in which pupils are counted in membership on the pupil membership count day in the public school academy, the determination of the district's membership shall exclude from the district's pupil count for the immediately preceding supplemental count day any pupils who are counted in the public school academy on that first pupil membership count day who were also counted in the district on the immediately preceding supplemental count day.

(k) In a district, public school academy, university school, or intermediate district operating an extended school year program approved by the state board, a pupil enrolled, but not scheduled to be in regular daily attendance on a pupil membership count day, shall be counted.

(l) Pupils to be counted in membership shall be not less than 5 years of age on December 1 and less than 20 years of age on September 1 of the school year except a special education pupil who is enrolled and receiving instruction in a special education program approved by the department and not having a high school diploma who is less than 26 years of age as of September 1 of the current school year shall be counted in membership.

(m) An individual who has obtained a high school diploma shall not be counted in membership. An individual who has obtained a general education development (G.E.D.) certificate shall not be counted in membership. An individual

participating in a job training program funded under former section 107a or a jobs program funded under former section 107b, both administered by the Michigan jobs commission, or participating in any successor of either of those 2 programs, shall not be counted in membership.

(n) If a pupil counted in membership in a public school academy is also educated by a district or intermediate district as part of a cooperative education program, the pupil shall be counted in membership only in the public school academy, and the instructional time scheduled for the pupil in the district or intermediate district shall be included in the full-time equated membership determination under subdivision (q). However, for pupils receiving instruction in both a public school academy and in a district or intermediate district but not as a part of a cooperative education program, the following apply:

(i) If the public school academy provides instruction for at least 1/2 of the class hours specified in subdivision (q), the public school academy shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the public school academy provides divided by the number of hours specified in subdivision (q) for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the district or intermediate district providing the remainder of the hours of instruction.

(ii) If the public school academy provides instruction for less than 1/2 of the class hours specified in subdivision (q), the district or intermediate district providing the remainder of the hours of instruction shall receive as its prorated share of the full-time equated membership for each of those pupils an amount equal to 1 times the product of the hours of instruction the district or intermediate district provides divided by the number of hours specified in subdivision (q) for full-time equivalency, and the remainder of the full-time membership for each of those pupils shall be allocated to the public school academy.

(o) An individual less than 16 years of age as of September 1 of the current school year who is being educated in an alternative education program shall not be counted in membership if there are also adult education participants being educated in the same program or classroom.

(p) The department shall give a uniform interpretation of full-time and part-time memberships.

(q) The number of class hours used to calculate full-time equated memberships shall be consistent with section 1284 of the revised school code, MCL 380.1284. In determining full-time equated memberships for pupils who are enrolled in a postsecondary institution, a pupil shall not be considered to be less than a full-time equated pupil solely because of the effect of his or her postsecondary enrollment, including necessary travel time, on the number of class hours provided by the district to the pupil.

(r) Full-time equated memberships for pupils in kindergarten shall be determined by dividing the number of class hours scheduled and provided per year per kindergarten pupil by a number equal to 1/2 the number used for determining full-time equated memberships for pupils in grades 1 to 12.

(s) For a district that has qualified currently migrant pupils enrolled in the district as of the pupil membership count day who were not counted in membership in the district on the supplemental count day for the immediately preceding school year, as determined by the department using the criteria used for eligibility for the migrant education program under the improving America's schools act of 1994, Public Law 103-382, 108 Stat. 3518, the number of those pupils counted in the district's membership is 3/4 of the number of those pupils counted on the pupil membership count day only.

(t) For a district, university school, or public school academy that has pupils enrolled in a grade level that was not offered by the district, university school, or public school academy in the immediately preceding school year, the number of pupils enrolled in that grade level to be counted in membership is the average of the number of those pupils enrolled and in regular daily attendance on the pupil membership count day and the supplemental count day of the current school year, as determined by the department. Membership shall be calculated by adding the number of pupils registered for attendance in that grade level on the pupil membership count day plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board, and as corrected by subsequent department audit, plus the final audited count from the supplemental count day for the current school year, and dividing that sum by 2.

(u) A pupil enrolled in a cooperative education program may be counted in membership in the pupil's district of residence with the written approval of all parties to the cooperative agreement.

(v) If, as a result of a disciplinary action, a district determines through the district's alternative OR DISCIPLINARY education program that the best instructional placement for a pupil is in the pupil's home, if that placement is authorized in writing by the district superintendent and district alternative OR DISCIPLINARY education supervisor, and if the district provides appropriate instruction as described in this subdivision to the pupil at the pupil's home, the district may count the pupil in membership on a pro rata basis, with the proration based on the number of hours of instruction the district actually provides to the pupil divided by the number of hours specified in subdivision (q) for full-time equivalency. For the purposes of this subdivision, a district shall be considered to be providing appropriate instruction if all of the following are met:

(i) The district provides at least 2 nonconsecutive hours of instruction per week to the pupil at the pupil's home under the supervision of a certificated teacher.

(ii) The district provides instructional materials, resources, and supplies, except computers, that are comparable to those otherwise provided in the district's alternative education program.

(iii) Course content is comparable to that in the district's alternative education program.

(iv) Credit earned is awarded to the pupil and placed on the pupil's transcript.

(w) A pupil enrolled in an alternative OR DISCIPLINARY education program described in section 25 shall be counted in membership in the district or public school academy that expelled the pupil.

(x) For 1997-98 only, if a pupil was enrolled in a public school academy on the pupil membership count day, if the public school academy's contract with its authorizing body is revoked, and if the pupil enrolls in a district within 45 days after the pupil membership count day, the department shall adjust the district's pupil count for the pupil membership count day to include the pupil in the count.

(5) "Public school academy" means a public school academy operating under the revised school code.

(6) "Pupil" means a person in membership in a public school. A district must have the approval of the pupil's district of residence to count the pupil in membership, except approval by the pupil's district of residence shall not be required for ~~nonpublic~~ ANY OF THE FOLLOWING:

(A) NONPUBLIC part-time pupils enrolled in grades 1 to 12 in accordance with section 166b. ~~for pupils~~

(B) PUPILS receiving 1/2 or less of their instruction in a district other than their district of residence. ~~for pupils~~

(C) PUPILS enrolled in a public school academy or university school. ~~for pupils~~

(D) PUPILS enrolled in a district other than their district of residence under an intermediate district schools of choice pilot program as described in section 91a or former section 91 if the intermediate district and its constituent districts have been exempted from section 105. ~~for pupils~~

(E) PUPILS enrolled in a district other than their district of residence but within the same intermediate district if the educating district enrolls nonresident pupils in accordance with section 105. ~~or for pupils~~

(F) PUPILS enrolled in a district other than their district of residence if the pupils have been continuously enrolled in the educating district since a school year in which the pupils enrolled in the educating district under section 105 and in which the educating district enrolled nonresident pupils in accordance with section 105.

(G) A NONRESIDENT PUPIL WHO HAS MADE AN OFFICIAL WRITTEN COMPLAINT OR WHOSE PARENT OR LEGAL GUARDIAN HAS MADE AN OFFICIAL WRITTEN COMPLAINT TO LAW ENFORCEMENT OFFICIALS AND TO SCHOOL OFFICIALS OF THE PUPIL'S DISTRICT OF RESIDENCE THAT THE PUPIL HAS BEEN THE VICTIM OF A CRIMINAL SEXUAL ASSAULT OR OTHER SERIOUS ASSAULT, IF THE OFFICIAL COMPLAINT EITHER INDICATES THAT THE ASSAULT OCCURRED AT SCHOOL OR THAT THE ASSAULT WAS COMMITTED BY 1 OR MORE OTHER PUPILS ENROLLED IN THE SCHOOL THE NONRESIDENT PUPIL WOULD OTHERWISE ATTEND IN THE DISTRICT OF RESIDENCE OR BY AN EMPLOYEE OF THE DISTRICT OF RESIDENCE. A PERSON WHO INTENTIONALLY MAKES A FALSE REPORT OF A CRIME TO LAW ENFORCEMENT OFFICIALS FOR THE PURPOSES OF THIS SUBDIVISION IS SUBJECT TO SECTION 411A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411A, WHICH PROVIDES CRIMINAL PENALTIES FOR THAT CONDUCT. AS USED IN THIS SUBDIVISION:

(i) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON SCHOOL PREMISES.

(ii) "SERIOUS ASSAULT" MEANS AN ACT THAT CONSTITUTES A FELONY VIOLATION OF CHAPTER XI OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81 TO 750.90F, OR THAT CONSTITUTES AN ASSAULT AND INFLICTION OF SERIOUS OR AGGRAVATED INJURY UNDER SECTION 81A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81A.

However, if a district that is not a first class district educates pupils who reside in a first class district and if the primary instructional site for those pupils is located within the boundaries of the first class district, the educating district must have the approval of the first class district to count those pupils in membership. As used in this subsection, "first class district" means a district organized as a school district of the first class under the revised school code.

(7) "Pupil membership count day" of a district or intermediate district means:

(a) Except as provided in subdivision (b), the fourth Wednesday in September each school year.

(b) For a district or intermediate district maintaining school during the entire school year, the following days:

(i) Fourth Wednesday in July.

(ii) Fourth Wednesday in September.

(iii) Second Wednesday in February.

(iv) Fourth Wednesday in April.

(8) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(9) "The revised school code" means 1976 PA 451, MCL 380.1 to 380.1852.

(10) "School fiscal year" means a fiscal year that commences July 1 and continues through June 30.

(11) "State board" means the state board of education.

(12) "Supplemental count day" means the day on which the supplemental pupil count is conducted under section 6a.

(13) "Tuition pupil" means a pupil of school age attending school in a district other than the pupil's district of residence for whom tuition may be charged. Tuition pupil does not include a pupil who is a special education pupil ; ~~a pupil enrolled in a district other than the pupil's district of residence but within the same intermediate district if the educating district enrolls nonresident pupils in accordance with section 105; a pupil enrolled in a district other than the pupil's district of residence if the pupil has been continuously enrolled in the educating district since a school year in which the pupil enrolled in the educating district under section 105 and in which the educating district enrolled nonresident pupils in accordance with section 105; or a pupil served by an intermediate district schools of choice pilot program as described in section 91a or former section 91 if the intermediate district and its constituent districts have been exempted from section 105~~ OR A PUPIL DESCRIBED IN SUBSECTION (6)(D) TO (G). A pupil's district of residence shall not require a high school tuition pupil, as provided under section 111, to attend another school district after the pupil has been assigned to a school district.

(14) "State school aid fund" means the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(15) "Taxable value" means the taxable value of property as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(16) "Total state aid" or "total state school aid" means the total combined amount of all funds due to a district, intermediate district, or other entity under all of the provisions of this act.

(17) "University school" means an instructional program operated by a public university under section 23 that meets the requirements of section 23."

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

"SEC. 25A. IF A PUPIL DESCRIBED IN SECTION 6(6)(G) ENROLLS PURSUANT TO SECTION 6(6)(G) DURING A SCHOOL YEAR IN A DISTRICT OTHER THAN THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP, THE EDUCATING DISTRICT SHALL REPORT THE ENROLLMENT INFORMATION TO THE DEPARTMENT AND TO THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP, AND THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP SHALL PAY TO THE EDUCATING DISTRICT AN AMOUNT EQUAL TO THE AMOUNT OF THE FOUNDATION ALLOWANCE RECEIVED BY THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP, PRORATED ACCORDING TO THE NUMBER OF DAYS OF THE SCHOOL YEAR ENDING IN THE FISCAL YEAR THE PUPIL IS EDUCATED IN THE EDUCATING DISTRICT COMPARED TO THE NUMBER OF DAYS OF THE SCHOOL YEAR ENDING IN THE FISCAL YEAR THE PUPIL WAS ACTUALLY ENROLLED IN THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP. IF A DISTRICT DOES NOT MAKE THE PAYMENT REQUIRED UNDER THIS SECTION WITHIN 30 DAYS AFTER RECEIPT OF THE REPORT, THE DEPARTMENT SHALL CALCULATE THE AMOUNT OWED, SHALL DEDUCT THAT AMOUNT FROM THE REMAINING STATE SCHOOL AID PAYMENTS TO THE DISTRICT FOR THAT FISCAL YEAR UNDER THIS ACT, AND SHALL PAY THAT AMOUNT TO THE EDUCATING DISTRICT. THE DISTRICT IN WHICH THE PUPIL IS COUNTED IN MEMBERSHIP AND THE EDUCATING DISTRICT SHALL PROVIDE TO THE DEPARTMENT ALL INFORMATION THE DEPARTMENT REQUIRES TO ENFORCE THIS SECTION."

3. Amend page 43, following line 10, by inserting:

"SEC. 161A. IF A COURT DETERMINES THAT A PERSON INTENTIONALLY VIOLATED SECTION 411A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411A, BY MAKING A FALSE REPORT OF THE COMMISSION OF A CRIME DESCRIBED IN SECTION 6(6)(G) KNOWING THE REPORT TO BE FALSE FOR THE PURPOSE OF HAVING A PUPIL COUNTED IN MEMBERSHIP IN A DISTRICT UNDER SECTION 6(6)(G), AS PART OF THE RESTITUTION ORDERED UNDER SECTION 30 OF CHAPTER XIIA OF 1939 PA 288, MCL 712A.30, SECTION 16, 44, OR 76 OF THE CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.766, 780.794, AND 780.826, OR SECTION 1A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1A, THE COURT MAY ORDER THE PERSON TO PAY THE PUPIL'S DISTRICT OF RESIDENCE AN AMOUNT THAT IS NOT MORE THAN THE STATE SCHOOL AID THAT DISTRICT WOULD HAVE RECEIVED ATTRIBUTABLE TO THE PUPIL IF THE PUPIL HAD BEEN COUNTED IN MEMBERSHIP IN HIS OR HER DISTRICT OF RESIDENCE."

The amendments to the substitute were adopted.

The President, Lieutenant Governor Binsfeld, resumed the Chair.

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

Senator DeGrow offered the following amendments to the substitute:

1. Amend page 6, following line 26, by inserting:

"Sec. 17b. (1) Not later than October 20, November 20, December 20, January 20, February 20, March 20, April 20, May 20, June 20, July 20, and August 20, the department shall prepare a statement of the amount to be

distributed under this act in the installment to the districts and intermediate districts and deliver the statement to the state treasurer, and the state treasurer shall pay the installments on each of those dates or on the next business day following each of those dates. Except as otherwise provided in this act, the portion of the district's or intermediate district's state fiscal year entitlement to be included in each installment ~~during 1998-99~~ shall be 1/11. However, for 1997-98 only, there shall not be an installment paid on August 20, and the portion to be included in each installment shall be 11.11% for the October and November payments; 9.72% for the December, January, February, March, April, May, and June payments; and 9.74% for the July payment. The payments due to a district in 1997-98 on April 20, May 20, June 20, and July 20 pursuant to this section each shall be reduced by an amount equal to 1/4 of the district's total additional payments in 1996-97 under former section 20c. A district or intermediate district shall accrue the payments received in July and August to the school fiscal year ending the immediately preceding June 30.

(2) The state treasurer shall make payment under this section by drawing a warrant in favor of the treasurer of each district or intermediate district for the amount payable to the district or intermediate district according to the statement and delivering the warrant to the treasurer of each district or intermediate district, or if the state treasurer receives a written request by the treasurer of the district or intermediate district specifying an account, by electronic funds transfer to that account of the amount payable to the district or intermediate district according to the statement. The department may make adjustments in payments made under this section through additional payments when changes in law or errors in computation cause the regularly scheduled payment to be less than the amount to which the district or intermediate district is entitled pursuant to this act.

(3) Except as otherwise specified in this act, grant payments under this act shall be paid according to subsection (1).

(4) Upon the written request of a district or intermediate district and the submission of proof satisfactory to the department of a need of a temporary and nonrecurring nature, the superintendent, with the written concurrence of the state treasurer and the director of management and budget, may authorize an advance release of funds due a district or intermediate district under this act. Such an advance shall not cause funds to be paid to a district or intermediate district more than 30 days earlier than the established payment date for those funds.”.

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

“Sec. 26a. From the general fund appropriation in section 11, there is allocated for 1997-98, for 1998-99, and for 1999-2000 an amount not to exceed \$6,584,200.00 each fiscal year to reimburse districts, intermediate districts, and the state school aid fund pursuant to section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692, for taxes levied in 1997, ~~and~~ 1998, AND 1999, respectively. This reimbursement shall be made by adjusting payments under section 20 to eligible districts, adjusting payments under section 56, 62, or 81 to eligible intermediate districts, and adjusting the state school aid fund. The adjustments shall be made not later than 60 days after the department of treasury certifies to the department and to the department of management and budget that the department of treasury has received all necessary information to properly determine the amounts due to each eligible recipient.”.

The amendments to the substitute were adopted.

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

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

**Roll Call No. 927**

**Yeas—35**

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

**Nays—1**

Jaye

**Excused—1**

Miller

**Not Voting—1**

Geake

In The Chair: President

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

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

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 6, 11, 11g, 17b, 20, 20b, 26a, 31a, 51a, 63, 81, and 105 (MCL 388.1606, 388.1611, 388.1611g, 388.1617b, 388.1620, 388.1620b, 388.1626a, 388.1631a, 388.1651a, 388.1663, 388.1681, and 388.1705), sections 6, 11, 11g, 20, 26a, 31a, 51a, 81, and 105 as amended and sections 20b and 63 as added by 1998 PA 339, and section 17b as amended by 1997 PA 142, and by adding sections 25a and 161a.

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

Senator Shugars moved that he be named co-sponsor of the following bill:

**Senate Bill No. 240**

The motion prevailed.

**Senate Bill No. 73, entitled**

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

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

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

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

**Senate Bill No. 497, entitled**

A bill to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan corrections officers killed in the line of duty; and to provide for an appropriation.

The House of Representatives has passed the bill and ordered that it be given immediate effect. The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was 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. 1357, entitled**

A bill to amend 1952 PA 175, entitled "An act to authorize incorporated cities and villages to borrow money and issue bonds in anticipation of future payments from the motor vehicle highway fund, for any purpose or purposes for which said funds may be used and for the purpose of refunding such bonds; authorizing the pledging of the faith and credit of the issuing city or village, upon proper resolution of its governing body, as additional security for the payment

of said bonds; and to prescribe procedures and conditions relative to the issuance of such bonds,” by amending sections 1 and 4 (MCL 247.701 and 247.704), section 1 as amended by 1983 PA 117 and section 4 as amended by 1996 PA 125.

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

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

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

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

Senators Geake and Miller entered the Senate Chamber.

**Senate Bill No. 429, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 44c.

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

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 928**

**Yeas—34**

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

**Nays—0**

**Excused—0**

**Not Voting—4**

Berryman	McManus	Posthumus	Smith, A.
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In The Chair: President

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

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

The Senate agreed to the full title.

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

Senator Jaye moved that he be named co-sponsor of the following bill:

**Senate Bill No. 429**

The motion prevailed.

**Senate Bill No. 430, 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 sections 5 and 15b (MCL 41.725 and 41.735b), section 5 as amended by 1986 PA 180.

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

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect. Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 929****Yeas—38**

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

**Nays—0****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.

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

Senator Jaye moved that he be named co-sponsor of the following bill:

**Senate Bill No. 430**

The motion prevailed.

**Senate Bill No. 432, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees

for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 41.801), as amended by 1989 PA 81.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 930**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

O’Brien

In The Chair: President

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

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

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

Senator Jaye moved that he be named co-sponsor of the following bill:

**Senate Bill No. 432**

The motion prevailed.

**Senate Bill No. 825, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 8, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and by adding chapter IXA.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 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 34 of chapter IX and sections 11, 12, 13, 15, 16c, 16d, 16f, 16h, 16i, 16k, 16l, 16p, 16r, 16s, 16t, 16v, 16x, 16z, 17, 31, 43, 46, and 48 of chapter XVII (MCL 769.34, 777.11, 777.12, 777.13, 777.15, 777.16c, 777.16d, 777.16f, 777.16h, 777.16i, 777.16k, 777.16l, 777.16p, 777.16r, 777.16s, 777.16t, 777.16v, 777.16x, 777.16z, 777.17, 777.31, 777.43, 777.46, and 777.48), section 34 of chapter IX as amended and sections 11, 12, 13, 15, 16c, 16d, 16f, 16h, 16i, 16k, 16l, 16p, 16r, 16s, 16t, 16v, 16x, 16z, 17, 31, 43, 46, and 48 of chapter XVII as added by 1998 PA 317.

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

Senator DeGrow moved that the rule be suspended.

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

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

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 6, following line 4, by striking out all of subsection (13).

The amendment to the substitute was adopted.

Senator Van Regenmorter offered the following amendments to the substitute:

1. Amend page 2, line 5, after "BEFORE" by striking out the balance of the line through "1998" on line 6 and inserting "JANUARY 1, 1999."

2. Amend page 2, line 7, after "after" by striking out the balance of the subsection and inserting "January 1, 1999."

3. Amend page 2, line 13, after "after" by striking out "DECEMBER 15, 1998" and inserting "January 1, 1999".

4. Amend page 47, following line 2, by striking out the balance of the bill and inserting:

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

The amendments to the substitute were adopted.

Senator Van Regenmorter offered the following amendments to the substitute:

1. Amend page 28, line 29, after "Pub saf" by striking out "F" and inserting "E".

2. Amend page 29, line 9, after "Pub saf" by striking out "F" and inserting "E".

3. Amend page 30, line 5, after "Pub saf" by striking out "F" and inserting "E".

4. Amend page 36, line 16, after "PERSON" by striking out "F" and inserting "D".

The amendments to the substitute were adopted.

Senator Van Regenmorter offered the following amendments to the substitute:

1. Amend page 11, line 24, after "offense" by inserting "COMMITTED BEFORE OCTOBER 1, 1999".

2. Amend page 11, following line 24, by inserting:

"257.625(8)(C)	PUB SAF	E	OUIL - THIRD OFFENSE COMMITTED ON OR AFTER OCTOBER 1,1999	5
257.625(9)(B)	PERSON	E	ALLOWING VEHICLE TO BE OPERATED WHILE UNDER THE INFLUENCE OR IMPAIRED CAUSING DEATH	5
257.625(9)(C)	PERSON	G	ALLOWING VEHICLE TO BE OPERATED WHILE UNDER THE INFLUENCE OR IMPAIRED CAUSING SERIOUS IMPAIRMENT	2
257.625(10)(C)	PUB SAF	E	IMPAIRED DRIVING - THIRD OFFENSE	5

257.625K(7)	PUB SAF	D	KNOWINGLY PROVIDING FALSE INFORMATION CONCERNING IGNITION INTERLOCK	10
257.625K(9)	PUB SAF	D	FAILURE TO REPORT THAT IGNITION INTERLOCK DOES NOT MEET LEGAL REQUIREMENTS	10
257.625M(5)	PUB SAF	E	COMMERCIAL DRUNK DRIVING - THIRD OFFENSE	5".
3. Amend page 11, line 26, after "forfeiture" by inserting "COMMITTED BEFORE OCTOBER 1, 1999".				
4. Amend page 11, following line 38, by inserting:				
"257.904(4)	PERSON	C	OPERATING WITHOUT LICENSE CAUSING DEATH	15
257.904(5)	PERSON	E	OPERATING WITHOUT LICENSE CAUSING SERIOUS IMPAIRMENT	5
257.904(7)	PERSON	G	ALLOWING VEHICLE TO BE OPERATED WITHOUT LICENSE CAUSING SERIOUS IMPAIRMENT	2
	PERSON	E	ALLOWING VEHICLE TO BE OPERATED WITHOUT LICENSE CAUSING DEATH	5".
5. Amend page 15, following line 29, by inserting:				
"324.81134(7)	PERSON	C	OPERATING AN ORV UNDER THE INFLUENCE OR IMPAIRED CAUSING DEATH	15
324.81134(8)	PERSON	E	OPERATING AN ORV UNDER THE INFLUENCE OR IMPAIRED CAUSING SERIOUS IMPAIRMENT	5".

The amendments to the substitute were adopted.

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 6, line 18, by striking out "28.214(3)" and inserting "28.214(4)(B)".

The amendments to the substitute were adopted.

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 19, following line 23, by inserting:

"338.3463(1)	PUB SAF	H	ACTING AS BAIL ENFORCEMENT AGENT WITHOUT LICENSE OR PROPER DOCUMENTS OR NOTIFICATION	2".
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The question being on the adoption of the amendment,

Senator Van Regenmorter moved that the amendment and the following amendments be considered en bloc.

The motion prevailed.

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 15, following line 29, by inserting:

"324.82126C(1)	PERSON	G	OPERATING A SNOWMOBILE CARELESSLY OR NEGLIGENTLY CAUSING DEATH OR SERIOUS IMPAIRMENT	2
324.82126C(2)	PERSON	G	OPERATING A SNOWMOBILE WITHOUT REGARD TO SAFETY CAUSING SERIOUS IMPAIRMENT	2".

Senator Van Regenmorter offered the following amendment to the substitute:

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

"252.311	PROPERTY	H	DESTROYING TREES OR SHRUBS TO MAKE A SIGN MORE VISIBLE	2".
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Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 21, following line 23, by inserting:

“712A.6B(3)                      PUB ORD                      G                      VIOLATION OF COURT ORDER WITH  
PRIOR CONVICTIONS                      2”.

The amendments to the substitute were adopted.

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

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

**Roll Call No. 931**

**Yeas—36**

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

**Nays—1**

Jaye

**Excused—0**

**Not Voting—1**

Conroy

In The Chair: President

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

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

The Senate agreed to the title as amended.

Senator Conroy stated that had he been present when the vote was taken on concurring in the House substitute to the following bill, he would have voted “yea”:

**Senate Bill No. 825**

**Senate Bill No. 445, entitled**

A bill to amend 1972 PA 106, entitled “Highway advertising act of 1972,” by amending the title and sections 1, 2, 3, 4, 6, 7, 9, 13, 14, 15, 16, 17, 21, 22, and 23 (MCL 252.301, 252.302, 252.303, 252.304, 252.306, 252.307, 252.309, 252.313, 252.314, 252.315, 252.316, 252.317, 252.321, 252.322, and 252.323), section 4 as amended by 1990 PA 153, and by adding sections 7a and 21a.

The House of Representatives has amended the bill as follows:

- 1. Amend page 6, line 19, by striking out "FEDERAL-AID" and inserting "primary".
- 2. Amend page 6, line 20, by striking out "103" and inserting "131".
- 3. Amend page 6, line 21, after "U.S.C." by striking out "103" and inserting "131".
- 4. Amend page 8, line 20, by striking out all of section 3 and inserting:

"Sec. 3. To improve and enhance scenic beauty consistent with ~~the provision of~~ section 131 of title 23 of the United States ~~code, as amended,~~ CODE, 23 U.S.C. 131, the legislature finds it appropriate to regulate and control outdoor advertising AND OUTDOOR ADVERTISING AS IT PERTAINS TO TOBACCO adjacent to the interstate highway, freeway, and primary highway systems, AND OUTDOOR ADVERTISING AS IT PERTAINS TO TOBACCO ON SECONDARY HIGHWAY, MAJOR STREET, AND LOCAL ROADS within this state and that outdoor advertising is a legitimate ACCESSORY commercial use of private property, is an integral part of the marketing function and an established segment of the economy of this state. IN ADDITION, THE LEGISLATURE FINDS IT APPROPRIATE TO PROTECT MINORS FROM EXPOSURE TO ADVERTISING THAT ENCOURAGES THEM TO ILLEGALLY POSSESS TOBACCO."

- 5. Amend page 20, following line 10, by inserting:

"Enacting section 1. Section 11 of the highway advertising act of 1972, 1972 PA 106, as added by this amendatory act takes effect April 1, 1999."

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 932**

**Yeas—37**

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

**Nays—1**

Jaye

**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 not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the full title.

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

**Senate Bill No. 872, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

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

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

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 30c (MCL 205.30c), as added by 1998 PA 221.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 933****Yeas—35**

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

**Nays—1**

Jaye

**Excused—0****Not Voting—2**

Smith, A.

Stille

In The Chair: President

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

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

**Senate Bill No. 956, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 4, and 7 (MCL 722.22, 722.24, and 722.27), section 2 as amended by 1990 PA 245 and sections 4 and 7 as amended by 1996 PA 19.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Senator A. Smith entered the Senate Chamber.

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

**Roll Call No. 934**

**Yeas—38**

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

**Nays—0**

**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. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The motion prevailed.

Senator Emmons' statement is as follows:

This is the Emmons award for the person who has done more for children in all of Michigan ever, and we want to honor and tell her how much we appreciate everything she has done. It's for our Lieutenant Governor Connie Binsfeld. Let's give her a standing ovation.

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

The President's statement is as follows:

The bill that you just unanimously voted "yes" on is the last one of the bills from the children's commission. If somebody wants to do some research on the 19 bills of the children's commission that have been introduced and passed, I don't think there has been a "no" vote in any committee or in either house on final passage of these bills. I thank you from the bottom of my heart.

**Senate Bill No. 1038, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1996 PA 347.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 26, after "UNDER" by striking out "THIS".

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 935**

**Yeas—35**

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

**Nays—0**

**Excused—0**

**Not Voting—3**

Gast	O'Brien	Smith, A.
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In The Chair: President

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

The Senate agreed to the full title.

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

**Senate Bill No. 1054, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 13 (MCL 211.13) and by adding section 8c.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act," by amending sections 8a and 13 (MCL 211.8a and 211.13), section 8a as added by 1994 PA 96, and by adding section 8c.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

The motion prevailed.

**House Bill No. 5567, 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 sections 15b and 15c of chapter IV (MCL 764.15b and 764.15c), as amended by 1996 PA 15.

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

1. Amend page 3, line 13, after "IS" by striking out the balance of the line through "OLDER" on line 14 and inserting "LESS THAN 17 YEARS OF AGE".

2. Amend page 9, line 21, by striking out "January" and inserting "March".

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 936****Yeas—36**

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

**Nays—0****Excused—0****Not Voting—2**

O'Brien                      Posthumus

In The Chair: President

**House Bill No. 5793, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 9301, 9302, 9303, 9304, 9305, 9307, 9308, 9310, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9307, 324.9308, 324.9310, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9304a; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate amendments as follows:

1. Amend Senate amendment No. 5, page 30, following line 23, enacting section 2, after the second "Section" by striking out "9307(1) and (2) of this act" and inserting "9307 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9307, as amended by this amendatory act,".

The House of Representatives has concurred in the Senate amendments as amended and agreed to the full title.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 937****Yeas—36**

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

**Nays—1**

Jaye

**Excused—0****Not Voting—1**

O'Brien

In The Chair: President

**Senate Bill No. 1007, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 839.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-3), agreed to the title and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 712, entitled**

A bill to amend 1905 PA 187, entitled "An act to insure the payment of subcontractors and wages earned and all materials or labor and certain supplies furnished and used in connection with and consumed in constructing, repairing or ornamenting public buildings and public works," by amending section 1 (MCL 570.101), as amended by 1982 PA 10.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 7, after "THE" by striking out "INSURED'S" and inserting "INSURER'S".

2. Amend page 2, line 13, after "THAT" by striking out "THE BOND IS GOOD AND SUFFICIENT" and inserting "THE BOND AT THE TIME THE CONTRACT IS AWARDED HAS BEEN ISSUED BY A SURETY COMPANY WHICH IS AN AUTHORIZED INSURER AS DEFINED IN SECTION 108 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.108,".

3. Amend page 2, line 14, after the second "THE" by striking out the balance of the line through "THE" on line 15.

4. Amend page 2, line 17, after "SUBSECTION" by striking out the balance of the line through "SUFFICIENT," on line 18.

5. Amend page 2, line 24, after "VERIFICATION" by inserting "HAS BEEN RECEIVED BY THE GOVERNMENTAL UNIT AT ITS MAIN OFFICE".

6. Amend page 3, line 3, after "BEEN" by striking out "PROPERLY EXECUTED" and inserting "ISSUED".

The House of Representatives has passed the bill as amended.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 938****Yeas—36**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchar	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	Murphy	Smith, V.
Byrum	Gast	North	Steil
Cherry	Geake	Peters	Stille

Cisky  
Conroy  
DeBeaussaert

Gougeon  
Hart  
Hoffman

Posthumus  
Rogers  
Schuette

Van Regenmorter  
Vaughn  
Young

**Nays—1**

Jaye

**Excused—0**

**Not Voting—1**

O'Brien

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 713, entitled**

A bill to amend 1963 PA 213, entitled "An act to provide a procedure for bonding contractors for public buildings and public works of governmental units; and to repeal certain acts and parts of acts," by amending sections 1, 3, and 4 (MCL 129.201, 129.203, and 129.204), section 1 as amended by 1982 PA 11.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 22, after "BOND" by striking out "IS GOOD AND SUFFICIENT" and inserting "WAS ISSUED BY A SURETY COMPANY AS PROVIDED IN (7)".

2. Amend page 3, line 4, after the second "THE" by inserting "GOVERNMENTAL UNIT'S RECEIPT OF THE".

3. Amend page 3, line 5, after "VERIFICATION." by inserting "THE REQUEST FOR VERIFICATION SHALL BE ADDRESSED TO THE MAIN OFFICE OF THE GOVERNMENTAL UNIT".

4. Amend page 3, line 7, after "THE" by striking out "INSURED'S" and inserting "INSURER'S".

5. Amend page 3, line 15, after "BEEN" by striking out "PROPERLY EXECUTED" and inserting "ISSUED".

The House of Representatives has passed the bill as amended.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 939**

**Yeas—38**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert  
DeGrow

Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Jaye  
Koivisto

McManus  
Miller  
Murphy  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

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

**Nays—0**

**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 not concurred in, 2/3 of the members serving not voting therefor.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 981, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 8, after "GOALS" by striking out the balance of the subdivision and inserting a period.
2. Amend page 2, following line 9, by inserting:

"(C) "PROJECTED BURN AREA" MEANS THE AREA IN WHICH A PRESCRIBED BURN IS EXPECTED TO OCCUR."

3. Amend page 2, line 13, after "THAT" by striking out the balance of the line through "(A)" on line 15.

4. Amend page 2, line 23, by striking out all of subdivision (B).

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

"SEC. 51703. IF CONSISTENT WITH MANAGEMENT OBJECTIVES, BEFORE THE DEPARTMENT CONDUCTS A PRESCRIBED BURN MARKETABLE TIMBER ON STATE OWNED PROPERTY IN THE PRESCRIBED BURN AREA SHALL BE OFFERED FOR SALE IN THE MANNER PRESCRIBED BY THE DEPARTMENT.

SEC. 51704. (1) THE DEPARTMENT SHALL NOT CONDUCT A PRESCRIBED BURN OF MORE THAN 40 ACRES IN THIS STATE IN A YEAR UNLESS THE DEPARTMENT FIRST CONDUCTS AT LEAST 1 PUBLIC MEETING IN THAT YEAR IN A COUNTY IN THE PROJECTED BURN AREA. THE PUBLIC MEETING SHALL BE CONDUCTED TO ALERT MEMBERS OF THE PUBLIC THAT 1 OR MORE PRESCRIBED BURNS MAY OCCUR AND WHAT THE PURPOSE AND ANTICIPATED CONSEQUENCES OF THE PRESCRIBED BURN WILL BE. IN ADDITION, MEMBERS OF THE PUBLIC SHALL HAVE AN OPPORTUNITY AT THE PUBLIC MEETING TO EXPRESS THEIR CONCERNS AND OPINIONS REGARDING A PRESCRIBED BURN.

(2) FOR A PRESCRIBED BURN OF MORE THAN 40 ACRES, IN ADDITION TO THE REQUIREMENT FOR A PUBLIC MEETING UNDER SUBSECTION (1), THE DEPARTMENT SHALL NOTIFY EACH LOCAL FIRE DEPARTMENT WITH JURISDICTION OVER THE PROJECTED BURN AREA AND SHALL PUBLISH A PUBLIC NOTICE IN A NEWSPAPER WITH A GENERAL CIRCULATION COVERING THE PROJECTED BURN AREA THAT A PRESCRIBED BURN IS SCHEDULED TO OCCUR WITHIN A DESIGNATED 60-DAY PERIOD. THE NOTIFICATION AND PUBLICATION SHALL TAKE PLACE NOT LESS THAN 2 WEEKS BEFORE THE FIRST DAY OF THE 60-DAY PERIOD. THE NOTICE PUBLISHED UNDER THIS SUBSECTION SHALL BE DRAFTED IN THE MANNER THAT THE DEPARTMENT DETERMINES IS BEST SUITED TO PROVIDE NOTICE TO RESIDENTS IN OR NEAR THE PROJECTED BURN AREA.

SEC. 51705. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), THE DEPARTMENT SHALL NOT CONDUCT A PRESCRIBED BURN ON PRIVATELY OWNED PROPERTY.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE DEPARTMENT SHALL NOT CONDUCT A PRESCRIBED BURN OF MORE THAN 40 ACRES UNLESS THERE IS AT LEAST A 100-FOOT BUFFER ZONE BETWEEN THE PROJECTED BURN AREA AND ANY PRIVATE PROPERTY ADJOINING THE PROPERTY ON WHICH THE PROJECTED BURN AREA IS LOCATED.

- (3) A PRIVATE PROPERTY OWNER MAY CONSENT IN WRITING TO 1 OR MORE OF THE FOLLOWING:

- (A) A PRESCRIBED BURN ON ALL OR A PORTION OF HIS OR HER PROPERTY.

- (B) A WAIVER OR SPECIFIED REDUCTION OF THE 100-FOOT BUFFER ZONE.

(4) THE DEPARTMENT SHALL NOT INTENTIONALLY CONDUCT A PRESCRIBED BURN WITHIN A BUFFER ZONE ESTABLISHED UNDER THIS SECTION."

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 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57 and by adding sections 51703, 51704, and 51705.

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

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

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

Senator McManus offered the following amendment to the amendments:

1. Amend House Amendment No. 5, page 3, following line 10, after "SEC. 51704." by striking out the balance of the amendment and inserting "BEFORE CONDUCTING A PRESCRIBED BURN OF MORE THAN 40 ACRES, THE DEPARTMENT SHALL NOTIFY EACH LOCAL FIRE DEPARTMENT WITH JURISDICTION OVER THE PROJECTED BURN AREA THAT A PRESCRIBED BURN IS SCHEDULED TO OCCUR WITHIN A DESIGNATED 60-DAY PERIOD. THE NOTIFICATION SHALL TAKE PLACE NOT LESS THAN 2 WEEKS BEFORE THE FIRST DAY OF THE 60-DAY PERIOD."

The amendment to the amendments was adopted.

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

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

**Roll Call No. 940**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the title as amended.

**House Bill No. 5989, entitled**

A bill to amend 1971 PA 140, entitled "An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties," by amending sections 1, 7, 11, 12a, and 13 (MCL 141.901, 141.907, 141.911,

141.912a, and 141.913), section 11 as amended by 1996 PA 468 and section 12a as added and section 13 as amended by 1996 PA 342, and by adding section 13d; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-7) as follows:

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

“(4) AFTER JUNE 30, 2007, 25.06% OF 21.3% OF THE SALES TAX COLLECTIONS AT A RATE OF 4% SHALL BE DISTRIBUTED TO COUNTIES AS PROVIDED BY LAW.” and renumbering the remaining subsection.

2. Amend page 9, line 16, after “made.” by inserting “AFTER JUNE 30, 2007, 74.94% OF 21.3% OF SALES TAX COLLECTIONS AT A RATE OF 4% SHALL BE DISTRIBUTED TO CITIES, VILLAGES, AND TOWNSHIPS AS PROVIDED BY LAW.”.

3. Amend page 22, line 15, after “PROVIDES” by inserting “OR MAKES AVAILABLE”.

4. Amend page 22, line 15, after “POLICE” by inserting “ON A 24-HOUR BASIS 7 DAYS PER WEEK BY PERSONNEL DEDICATED EXCLUSIVELY TO THE TOWNSHIP”.

5. Amend page 22, line 16, after “WATER” by inserting “TO 50% OF ITS RESIDENTS”.

6. Amend page 22, line 16, after “TO” by inserting “50% OF”.

7. Amend page 23, following line 4, by inserting:

“(16) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION FOR THE 1998-1999 STATE FISCAL YEAR, THE TOTAL COMBINED AMOUNT RECEIVED BY EACH CITY, VILLAGE, AND TOWNSHIP UNDER THIS SECTION AND SECTION 10 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 SHALL NOT BE LESS THAN THE COMBINED AMOUNT RECEIVED UNDER THIS SECTION, SECTION 12A, AND SECTION 10 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 IN THE 1997-1998 STATE FISCAL YEAR. THE INCREASE, IF ANY, FOR EACH CITY, VILLAGE, AND TOWNSHIP FROM THE 1997-1998 STATE FISCAL YEAR, OTHER THAN A CITY THAT RECEIVES A DISTRIBUTION UNDER SUBSECTION (6), SHALL BE REDUCED BY A UNIFORM PERCENTAGE TO THE EXTENT NECESSARY TO FUND DISTRIBUTIONS UNDER THIS SUBSECTION.” and renumbering the remaining subsections.

The House of Representatives has concurred in the Senate substitute (S-7) as amended and agreed to the title.

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

Senator DeGrow moved that the rule be suspended.

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

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

Senator Steil offered the following amendments to the amendments:

1. Amend House Amendment No. 3, page 22, line 15, after “after” by striking out ““PROVIDES”” and inserting ““FOR””.

2. Amend House Amendment No. 4, page 22, line 15, after “BASIS” by striking out the balance of the amendment and inserting “EITHER THROUGH CONTRACTING FOR OR DIRECTLY EMPLOYING PERSONNEL”.

3. Amend House Amendment No. 5, page 22, line 16, after “50%” by inserting “OR MORE”.

4. Amend House Amendment No. 6, page 22, line 16, after “50%” by inserting “OR MORE”.

The amendments to the amendments were adopted.

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

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

### Roll Call No. 941

### Yeas—26

Bennett	DeGrow	Miller	Schwarz
Berryman	Dingell	Murphy	Smith, V.
Bouchard	Dunaskiss	O’Brien	Steil
Byrum	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Vaughn
Conroy	Hart	Schuetz	Young
DeBeaussaert	McManus		

### Nays—10

Bullard	Hoffman	North	Shugars
Emmons	Jaye	Rogers	Van Regenmorter
Gast	Koivisto		

### Excused—0

**Not Voting—2**

Cherry

Smith, A.

In The Chair: President

**Protests**

Senators Jaye, Gast, Rogers and North, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House amendments to House Bill No. 5989.

Senators Jaye and Gast moved that the statements they made during the discussion of the amendments offered by Senator Steil be printed as their reasons for voting “no.”

The motion prevailed.

Senator Jaye’s statement is as follows:

Washington Township, where I live, does not provide water and sewer services to half the residents. The biggest part of the reason is it is very expensive on the homeowners. If you drive by Waschull where my wife, Sharon, and I live, you’ll see that a lot of the front lawns are torn up. We’ve literally just gone through this over the last couple of weeks. It’s a whole lot of money to put in water and sewer. In fact, for a water line alone, it cost Sharon and me and my neighbors \$8,000. It cost us \$4,000 just to pay for the privilege of having a water line put in front of our house. It’s a modest lot with a small lawn. It cost us another \$1,800 for the tap-in fee and another \$1,800 on top of that for all the plumbing work inside the house. Most people can’t afford it. I had to refinance my home to pay for that.

So the bill sponsor says we’ve got to stop urban sprawl. We want to penalize communities that have urban sprawl. But now they’re saying, “We’re going to force you to have urban sprawl,” and bleed people dry and make them pay \$8,000 or \$9,000 they can’t afford because we’re going to get more of your own money back in state revenue sharing. Eight thousand dollars and \$9,000 is a big hit on working men and women. These special assessment districts come at you whether you want to tap-in or not. Every one of my neighbors who are not tapping-in have to pay that \$4,000 for the privilege of having a water line in the front, whether they want it or not, whether they stay on the wells or not. That is a lot of money. Most people cannot afford an \$8,000 or \$10,000 hit in a modest subdivision. These homes in my subdivision were built in 1973.

For you to say with this amendment that the folks in my area who are working-class people—they take care of their kids; they take care of their parents; they pay their bills; they’re not on welfare; they’re not on drugs; they don’t commit crimes; they do everything right. They can’t have some of their own revenue sharing back unless half of the community is on water or sewer systems? Then we’re doubly caught in a bind because the water and sewer systems are the Detroit water and sewer system, and we have to tap-in to the city of Detroit water and sewer system. We don’t have a vote on setting the rates for the Detroit water and sewer system. Believe it or not, the Mayor and the City Council of Detroit appoint Macomb County’s representatives to the Detroit water and sewer board. The Detroit Mayor and City Council appoint Oakland County’s representatives to the Detroit water and sewer board. They appoint western Wayne County’s representatives to the water and sewer board.

They had the Detroit water and sewer rates subsidizing the Mayor’s office and subsidizing the City Council’s office. Please do not say that people’s destiny and the quality of their lives for police and fire and seniors and recreation and roads is held hostage to forcing homeowners to pay \$8,000 to \$10,000 more simply for the privilege of collecting revenue sharing. For instance, in Washington Township that has about 30,000 in population—25,000 to 30,000—Romeo Village automatically gets it because they’re a village. This is nonsense. This is draconian. It does not make sense. How can you penalize communities for having growth but give them the same incentive if they have more water and sewer lines?

I hope we’ll vote against this amendment. Once again, I remind folks who represent townships that the next time the Legislature meets, the Republicans are in charge of the House, the Senate, the Governor, and the Supreme Court. Why must we hurt our suburban folks and little folks, and Republican-represented townships by saying, “The only way you’re going to get more of your own money back is if you put an \$8,000 to \$10,000 surcharge on every little homeowner in your community.” This is nonsense, draconian, and excessive. I recommend a “no” vote.

Senator Gast’s statement, in which Senator North concurred, is as follows:

I know it is late in the day. We have had a lot of controversy so far. Maybe a little more might help. I can understand this, but to think of the birth of these amendments, you recognize the revenue sharing thing that we have here and what you are saddling townships with. Now I am not going to defend every little stick in the woods that calls itself a

township, but you have got to remember a township, at the minimum, is six square miles. Six miles square. Thirty-six square miles in a township. To say that you have 50 percent or more of the population served by sewer and/or water before you can be qualified in this category for receiving revenue sharing is a little bit asinine.

The people who have been there and done that recognize that where sewer and water oftentimes in a township is born is when you have a subdivision. Maybe it would be the first one or two that goes awry. The relationship with the septic and the wells is not too great, and along comes the county or state health department and says you shall provide. But you are not serving half of your people, so you will not get any revenue sharing for it. You provide it with what? Your own sweat, blood, and tears! What I am suggesting is that some of those people in those townships bleed, too, whether the people who wrote this, the Representative Ciaramitaro's of the world, know it or not.

I am saying that there is a situation here where this is not all wrong, but it is certainly not all right. I can understand the Municipal League not wanting to characterize townships as competitors of theirs and give them an advantage, but I do not think you want to ostracize them and say that you are forever going to live with outhouses and polluted wells. That might be what you are attempting to do here.

This is something that can be fixed at a later date, but it is wrong now. I would think that the authors of these amendments, including the committee I served on, would go out and visit some townships somewhere down the road and get a feel for what is going on. There is no way in the world that you can take a six-mile square of property, 36 square miles, and induce a water or a sewer system all at once. It comes in a gradual way. For us to stand here and tell those local units how to do that which serves their people is wrong.

Further than that, anybody who has got their head on straight would say that a water system has to come before a sewer system, because you have got to have something to predicate the sewer rates on. So the flow of water is that predication. Now there is not a hell of a lot of people in here that know that.

My point simply is that we are enacting legislation here that protects people who do not have a voice. I know that, for the most part, they will not have a voice as long as this Legislature, this Senate and House of Representatives, the people who write these bills, are controlled by the big city interests. I understand that. I am looking out for the townships, the small cities, and the villages.

I am very proud to say that the district I represent does not have a single township, city, or village of over 20,000 people. So I am not beholding to anyone. I do not give a rip whether they are big, little or, crossways. What is right is right, and this is not right.

Senator Rogers' statement is as follows:

The reason I voted "no" on this bill is the 50 percent requirement for water and sewer. I have a lot of townships and one of the fastest growing counties and districts in the state of Michigan. The formula that is weighted here is totally against my constituents. We will never meet that threshold. We'll never be able to qualify. And, if there is any area in the state that needs the money as badly as Livingston County, I don't know where it is. I just don't think it was right for my constituents to vote in favor of this bill.

Senator A. Smith stated that had she been present when the vote was taken on concurring in the House amendments to the following bill, she would have voted "yea":

**House Bill No. 5989**

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

**House Bill No. 6175, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1997 PA 201.

The bill was read a first and second time by title.

Senator DeGrow moved that the rules be suspended and that the bill be placed on its immediate passage.

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

**House Bill No. 5946, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 501 (MCL 436.1501), as added by 1998 PA 58 and by adding section 1016.

The bill was read a first and second time by title.

Senator DeGrow moved that the rules be suspended and that the bill be placed on its immediate passage.

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

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

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

**House Bill No. 5294**

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

The following bill was read a third time:

**House Bill No. 5294, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 62501 and 62509 (MCL 324.62501 and 324.62509), as added by 1995 PA 57, and by adding sections 62509a and 62509b.

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. 942**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Young

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

The Senate agreed to the full title.

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

Senator Young entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 6175, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1997 PA 201.

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. 943**

**Yeas—36**

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

**Nays—1**

Jaye

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

"An act to prevent urban deterioration and encourage economic development and activity and to encourage neighborhood revitalization and historic preservation; to provide for the establishment of tax increment finance authorities and to prescribe their powers and duties; to authorize the acquisition and disposal of interests in real and personal property; to provide for the creation and implementation of development plans; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to permit the issuance of bonds and other evidences of indebtedness by an authority; to permit the use of tax increment financing; to reimburse authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state agencies and officers,".

The Senate agreed to the full title.

**Recess**

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

The motion prevailed, the time being 8:53 p.m.

9:53 p.m.

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

During the recess, Senator V. Smith entered the Senate Chamber.

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

**Senate Bill No. 1370, entitled**

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending the title and section 2 (MCL 141.1152). The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

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

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

**House Bill No. 4425, entitled**

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

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

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

**House Bill No. 4425**

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

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

The following bill was read a third time:

**House Bill No. 4425, entitled**

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

The question being on the passage of the bill,

Senator Gast offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

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

**Roll Call No. 944**

**Yeas—27**

Bennett	DeGrow	McManus	Smith, V.
Berryman	Dunaskiss	Miller	Steil
Bullard	Emmons	Murphy	Stille
Byrum	Gast	North	Van Regenmorter
Cherry	Geake	O'Brien	Vaughn
Cisky	Gougeon	Posthumus	Young
Conroy	Hoffman	Schwarz	

**Nays—11**

Bouchard	Hart	Peters	Shugars
DeBeaussaert	Jaye	Rogers	Smith, A.
Dingell	Koivisto	Schuette	

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

A bill to make, supplement, and adjust appropriations for various state departments and agencies and the legislative branch for the fiscal year ending September 30, 1999; to provide for and direct the expenditure of certain appropriations; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

### **Protest**

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4425.

Senator Jaye's statement is as follows:

Madam Governor and Senate colleagues, I think the reason why there are so many House items in this last minute supplemental appropriation is because probably the historical records will show that this was maybe some consideration for members of the House of Representatives to vote to establish four new casinos in the state of Michigan. What a coincidence that \$7.4 million of the taxpayer's money, without any committee meetings, without any public hearings, without any written justification magically appears. I believe this certainly is a linkage between votes to expand Indian casinos and the squandering of taxpayer dollars. That's why I voted "no."

By unanimous consent the Senate returned to the order of

### **Resolutions**

#### **House Concurrent Resolution No. 115.**

A concurrent resolution concurring in the tribal-state gaming compacts negotiated between the Governor and the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi and executed on December 3, 1998.

Whereas, The United States Congress enacted the Indian Gaming Regulatory Act of 1988 (IGRA) to provide a statutory framework for the establishment of regulatory roles for the states, the federal government, and Indian tribes in tribal Class III gaming operations; and

Whereas, Four tribes have negotiated compacts with the Governor to provide for tribal gaming operations through the framework established by federal law; and

Whereas, Each of the tribes, the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi, is a federally recognized Indian tribe; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, pursuant to requirements of the IGRA and pursuant to Section 11(B) of each of the proposed compacts, we hereby concur in the following compacts signed by the Governor and executed on December 3, 1998 and the representatives of each of the tribes: "Compact Between the Little River Band of Ottawa Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Little River Band of Ottawa Indians," "Compact Between the Pokagon Band of Potawatomi Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Pokagon Band of Potawatomi Indians," "Compact Between the Little Traverse Bay Bands of Odawa Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Little Traverse Bay Bands of Odawa Indians," and "Compact Between the Nottawaseppi Huron Band of Potawatomi and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Nottawaseppi Huron Band of Potawatomi"; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the tribes, and the United States Secretary of the Interior.

The House of Representatives has adopted the concurrent resolution.

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

Senator DeGrow moved that the rule be suspended.

The motion did not prevail, a majority of the members serving not voting therefor.

Senator DeGrow 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. 945****Yeas—24**

Bennett	Emmons	Murphy	Shugars
Bouchard	Gast	North	Smith, V.
Bullard	Geake	Posthumus	Steil
Cisky	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	Vaughn

**Nays—11**

Berryman	DeBeaussaert	Jaye	Peters
Cherry	Dingell	Koivisto	Smith, A.
Conroy	Hart	Miller	

**Excused—0****Not Voting—3**

Byrum	O'Brien	Young
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In The Chair: President

The question being on the adoption of the concurrent resolution,

Senator DeGrow requested the yeas and nays.

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

The question being on the adoption of the concurrent resolution,

Senator Dingell moved that further consideration of the concurrent resolution be postponed until Wednesday, December 30.

On which motion Senator DeGrow requested the yeas and nays.

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

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

**Roll Call No. 946****Yeas—21**

Bennett	Dingell	Jaye	Schuette
Berryman	Geake	Koivisto	Shugars
Byrum	Gougeon	Miller	Steil
Cherry	Hart	Peters	Stille
Conroy	Hoffman	Rogers	Van Regenmorter
DeBeaussaert			

**Nays—14**

Bouchard	Dunaskiss	Murphy	Schwarz
Bullard	Emmons	North	Smith, V.
Cisky	Gast	Posthumus	Vaughn
DeGrow	McManus		

**Excused—0****Not Voting—3**

O'Brien	Smith, A.	Young
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In The Chair: President

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

**Senate Bill No. 130, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 117, 169, and 241 (MCL 560.117, 560.169, and 560.241), section 117 as amended by 1995 PA 172 and sections 169 and 241 as amended by 1993 PA 67.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 240, entitled**

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 6, 11, 11g, 17b, 20, 20b, 26a, 31a, 51a, 63, 81, and 105 (MCL 388.1606, 388.1611, 388.1611g, 388.1617b, 388.1620, 388.1620b, 388.1626a, 388.1631a, 388.1651a, 388.1663, 388.1681, and 388.1705), sections 6, 11, 11g, 20, 26a, 31a, 51a, 81, and 105 as amended and sections 20b and 63 as added by 1998 PA 339, and section 17b as amended by 1997 PA 142, and by adding sections 25a and 161a.

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

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

**Senate Bill No. 981, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57.

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

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

**Senate Bill No. 773, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 281, 303, 305, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1281, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 281, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding section 237a; and to repeal acts and parts of acts.

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

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

A bill to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 251, 267, 303, 305, 323, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1251, 18.1267, 18.1303, 18.1305, 18.1323, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding sections 237a, 281a, and 430; and to repeal acts and parts of acts.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 947****Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

O'Brien

In The Chair: President

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

**Senate Bill No. 1167, entitled**

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending section 2 (MCL 408.652), as amended by 1982 PA 35.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 4, after "SUES" by inserting "WITHOUT COMPENSATION".
2. Amend page 2, line 15, by striking out all of enacting section 1.

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

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

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

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

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

**Roll Call No. 948**

**Yeas—32**

Bennett	DeGrow	Hoffman	Schuette
Berryman	Dingell	Jaye	Schwarz
Bouchar	Dunaskiss	Koivisto	Shugars
Bullard	Emmons	McManus	Smith, A.
Byrum	Gast	Miller	Steil
Cisky	Geake	North	Stille
Conroy	Gougeon	Peters	Van Regenmorter
DeBeaussaert	Hart	Rogers	Young

**Nays—0**

**Excused—0**

**Not Voting—6**

Cherry	O'Brien	Smith, V.	Vaughn
Murphy	Posthumus		

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.

Senator Byrum moved that Senators Murphy, O'Brien, Cherry and V. Smith be temporarily excused from the balance of today's session.  
The motion prevailed.

Senators Murphy, O'Brien and Cherry entered the Senate Chamber.

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

**House Bill No. 5986, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16338 and part 179.

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

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

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

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. 5986, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16338 and part 179.

The question being on the passage of the bill,

Senator Emmons offered the following substitute:

Substitute (S-6).

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

The question being on the passage of the bill,

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

**Roll Call No. 949**

**Yeas—36**

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

**Nays—1**

Jaye

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

Senator Emmons offered to amend the title as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,". by amending section 16263 (MCL 333.16263), as amended by 1995 PA 126, and by adding sections 16348a and 16348b and parts 186 and 187.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**House Bill No. 5035, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

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

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

**House Bill No. 4565, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9g.

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

Senator DeGrow moved that the Committee on Natural Resources and Environmental Affairs be discharged from further consideration of the following bill:

**House Bill No. 6006, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503, 11506, and 11547 (MCL 324.11503, 324.11506, and 324.11547), section 11503 as amended by 1996 PA 359 and section 11506 as amended by 1996 PA 392.

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

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

**House Bill No. 5035****House Bill No. 4565****House Bill No. 6006**

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

**Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 10:59 p.m.

11:38 p.m.

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

Senator DeGrow moved to reconsider the vote by which consideration of the following concurrent resolution was postponed until Wednesday, December 30:

**House Concurrent Resolution No. 115.**

A concurrent resolution concurring in the tribal-state gaming compacts negotiated between the Governor and the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi and executed on December 3, 1998.

On which motion Senator Dingell requested the yeas and nays.

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

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

**Roll Call No. 950****Yeas—20**

Bennett	Dunaskiss	McManus	Schwarz
Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Cisky	Geake	Rogers	Stille
DeGrow	Gougeon	Schuette	Van Regenmorter

**Nays—12**

Berryman	Conroy	Hart	Peters
Byrum	DeBeaussaert	Koivisto	Smith, A.
Cherry	Dingell	Miller	Vaughn

**Excused—1**

Smith, V.

**Not Voting—5**

Hoffman	Murphy	O'Brien	Young
Jaye			

In The Chair: President

The question being on the motion to postpone further consideration of the concurrent resolution until Wednesday, December 30,

Senator DeGrow requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

Senator V. Smith entered the Senate Chamber.

The question being on the motion to postpone further consideration of the concurrent resolution until Wednesday, December 30,

The motion did not prevail.

Senator Dingell 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. 951****Yeas—12**

Berryman  
Byrum  
Cherry

Conroy  
DeBeaussaert  
Dingell

Hart  
Jaye  
Miller

Peters  
Smith, A.  
Vaughn

**Nays—22**

Bennett  
Bouchard  
Bullard  
Cisky  
DeGrow  
Dunaskiss

Emmons  
Gast  
Geake  
Gougeon  
Koivisto  
McManus

North  
Posthumus  
Rogers  
Schuette  
Schwarz

Shugars  
Smith, V.  
Steil  
Stille  
Van Regenmorter

**Excused—0****Not Voting—4**

Hoffman

Murphy

O'Brien

Young

In The Chair: President

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Friday, December 11, at 12:01 a.m.  
The motion prevailed.

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 11:55 p.m.

Pursuant to the order previously made, the President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Friday, December 11, at 12:01 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

