

No. 54

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, June 9, 1999.

10:00 a.m.

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

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

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

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

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

Pastor Andrew Willis of First Baptist Church of Deckerville offered the following invocation:

Our Heavenly Father, we come into Your presence this morning with hearts that are grateful for all of Your kindness to us. We thank You for the nation in which we live and for the privileges that we enjoy and so often take for granted.

We know that we live in a world where countless individuals are imprisoned for their beliefs and killed for their faith. We know that many more suffer war and famine and poverty, and so we pray today that You would intervene in these circumstances that the blessings of liberty might be known by those who live in the shadow of oppression and pain.

We thank You for the legacy of freedom that is ours. We thank You for those who are willing to bear any burden and to pay any price to preserve for us this republic. We pray in view of the recent violence that we have seen among some of our own young people that all of us would be an example to them by demonstrating in our lives by the things that we say and in all that we do and in all that we legislate that we regard all human life as being precious and sacred.

Today, we ask Your blessing on America. We ask Your blessing on our beloved Michigan. We pray today that You would grant wisdom and courage to these outstanding men and women who represent our interests and who guard our freedoms. These things we humbly ask in the matchless name of our great God and Savior, Jesus Christ. Amen.

Motions and Communications

Senators V. Smith and Dunaskiss entered the Senate Chamber.

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

Senator Rogers moved that Senators Schuette, Schwarz and Jaye be temporarily excused from today's session. The motion prevailed.

Senator Schuette entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 8:
House Bill Nos. 4075 4386 4618 4691

Messages from the House

Senate Bill No. 68, entitled

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

(Enrollment was vacated on May 26 and the motion to reconsider immediate effect postponed. See Senate Journal No. 48, p. 805.)

The question being on the motion to reconsider the vote by which the bill was given immediate effect, 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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 343

Senate Bill No. 344

Senate Bill No. 346

Senate Bill No. 488

Senate Bill No. 489

Senate Bill No. 507

Senate Bill No. 466

Senate Bill No. 544

The motion prevailed.

Senator Jaye entered the Senate Chamber.

Senate Bill No. 51, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 613a (MCL 168.613a), as amended by 1995 PA 87.

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 not concurred in, 2/3 of the members serving not voting therefor.

Senator Rogers requested the yeas and nays.

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 346

Yeas—21

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

Nays—10

Byrum	Dingell	Murphy	Smith, A.
Cherry	Emerson	Peters	Smith, V.
DeBeaussaert	Jaye		

Excused—3

Leland	Miller	Schwarz
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Not Voting—4

Hart	Koivisto	Vaughn	Young
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In The Chair: President

Senator Rogers moved to reconsider the vote by which the bill was not given immediate effect.

The question being on the motion to reconsider,

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

The motion prevailed.

Senators Leland and Miller entered the Senate Chamber.

Senate Bill No. 369, entitled

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

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1) and ordered that the bill be given immediate effect.

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

Senate Bill No. 371, entitled

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

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1) and ordered that the bill be given immediate effect.

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

Senate Bill No. 306, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and 257.319), section 307 as amended by 1998 PA 330 and section 319 as amended by 1998 PA 347, and by adding section 50a.

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

The House of Representatives has passed the bill as substituted (H-2) and pursuant to Joint Rule 20, inserted the full title. Pursuant to rule 3.202, the bill was laid over one day.

Conference Reports

Senator Schwarz entered the Senate Chamber.

Senate Bill No. 357, entitled

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

(For text of conference report, see Senate Journal No. 53, p. 917.)

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. 347**Yeas—37**

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

Nays—1

Jaye

Excused—0**Not Voting—0**

In The Chair: 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.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the Committee on Health Policy be discharged from further consideration of the following bill:

Senate Bill No. 592, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5431 (MCL 333.5431), as amended by 1998 PA 88.

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

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

House Bill No. 4408

House Bill No. 4658

House Bill No. 4659

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Byrum as Chairperson.

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

House Bill No. 4659, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," (MCL 484.1101 to 484.1604) by adding chapter VII; and to repeal acts and parts of acts.

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. 4408, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 614a and 615a (MCL 168.614a and 168.615a), section 614a as added by 1988 PA 275 and section 615a as amended by 1995 PA 87.

Substitute (S-1).

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

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

House Bill No. 4658, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

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

1. Amend page 5, line 11, after "PUBLIC" by inserting "SAFETY".
2. Amend page 5, line 13, after "PUBLIC" by inserting "SAFETY".
3. Amend page 5, line 14, after "PUBLIC" by inserting "SAFETY".
4. Amend page 5, line 15, after "THIS" by striking out "SECTION" and inserting "SUBDIVISION".
5. Amend page 5, line 19, after "PUBLIC" by inserting "SAFETY".
6. Amend page 5, line 22, after "PUBLIC" by inserting "SAFETY".
7. Amend page 7, line 2, after "DISTRIBUTED" by striking out the balance of the subdivision and inserting "AS PROVIDED IN THE FINAL 9-1-1 SERVICE PLAN."
8. Amend page 7, line 23, after "SAFETY" by striking out "ENTITY" and inserting "AGENCY".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 592, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5431 (MCL 333.5431), as amended by 1998 PA 88.

Substitute (S-3).

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4658

House Bill No. 4659

Senate Bill No. 592

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

Third Reading of Bills

Senator Rogers moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4658

House Bill No. 4659

Senate Bill No. 592

House Bill No. 4666

The motion prevailed.

The following bill was read a third time:

House Bill No. 4658, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; 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. 348

Yeas—36

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

Nays—1

DeBeaussaert

Excused—0

Not Voting—1

Smith, A.

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. Senator Rogers requested the yeas and nays. The yeas and nays were ordered, 1/5 of the members present voting therefor. The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 349**Yeas—29**

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

Nays—8

DeBeaussaert	Hoffman	McCotter	Murphy
Hart	Jaye	Miller	Peters

Excused—0**Not Voting—1**

Smith, A.

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 establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4659, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” (MCL 484.1101 to 484.1604) by adding chapter VII; 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. 350**Yeas—37**

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

Nays—1

Jaye

Excused—0**Not Voting—0**

In The Chair: 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 provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 592, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 5431 (MCL 333.5431), as amended by 1998 PA 88.

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. 351**Yeas—37**

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

Nays—1

Jaye

Excused—0

Not Voting—0

In The Chair: 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 Senate Bill No. 592.

Senator Jaye’s statement is as follows:

Mr. Governor and Senate colleagues, while I supported the program—it has a lot merit—I voted “no” because there was a fee increase for the parents of newborns to go up from \$28 for current newborn screening tests to \$39. I believe a program like this that would have a communitywide benefit should not have the cost borne by the new family who are typically younger people who have less resources.

The following bill was read a third time:

House Bill No. 4666, entitled

A bill to create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship trust fund commission and prescribe the powers and duties of the commission; and to provide for the Michigan merit award scholarship program.

The question being on the passage of the bill,
Senator Cherry offered the following substitute:
Substitute (S-4).

The question being on the adoption of the substitute,
Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 352

Yeas—16

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Cherry's first statement is as follows:

This substitute is identical to the substitute that I offered on General Orders. To reiterate, Mr. President, what the substitute does is it changes basically the standard by which high school graduates would qualify for the merit scholarship. Currently, the bill would award these scholarships based on the performance on the MEAP or the SAT or the ACT, depending upon various accommodations. But under this substitute, a high school graduate would qualify for the merit scholarship upon acceptance to a four-year institution of higher education. Mr. President, the purpose of doing that is to, first of all, simply simplify the process.

Clearly, the activity of the college admissions officers in awarding admissions to institutions of higher education is a time-honored and tested procedure. Universities and colleges go to great effort to make sure that the students that they admit will perform successfully at the university. It would seem to me, ultimately, that the admission process of merit would be this combination of tests. I say that because, first of all, on the MEAP test itself, it has been a matter of some controversy over a period of years. It's undergone changes on a regular basis. We even on General Orders yesterday chose not to use a particular portion of the MEAP test in making this determination. So it is not a test that is universally accepted as a good indicator of student performance, and in fact, Mr. President, it has been designed really to drive curriculum as opposed to test performance. That has been the driving purpose behind that test.

The other aspect of the MEAP test is that it has a differential impact that seems to follow socio-economic lines. For example, the *Lansing State Journal* did an examination of the MEAP test results to determine who would be eligible to obtain merit scholarships. What they found, I think, in at least this local area was with striking results. They found, for instance, that in the Okemos public schools, 69.9 percent of those students tested would qualify or be eligible for the merit scholarship in the Okemos School District. Interestingly enough, if you go down to the Durand area schools, of those students tested only 16.3 percent would be eligible for the merit scholarship. What distinguishes those two school districts primarily, Mr. President, is the socio-economic differences between those school districts. I think that's the danger of basing this program on the MEAP. It really results in a skewed distribution of these scholarships, one that I find particularly indefensible.

The other aspect of this, Mr. President, is that I think as a society we do put some credibility and recognition to the college admissions process when it comes to determining whether a student has performed well in their high school years. This week passed, which was graduation week for many school districts across the state, I think, brought home to me a point regarding this debate. It's interesting enough when you see recent high school graduates and you ask them are they going to college and what college are they going to, they always respond with a smile and a look of pride. They are proud of the fact that they have been accepted to college, and they're proud for a very good reason. They have worked very hard over four years to get to college. They know that their family would love to see that happen. They know that a university education is important to them if they're going to have a positive career post-graduation. It's an important accomplishment for them and to achieve it brings pride. I can think of not a better measure of whether a student has performed meritoriously than the admissions process itself. As a society we recognize that. We honor high school graduates who go on to college, but not every high school graduate does.

This is not conferring a stamp of merit on every high school graduate. It's recognizing those who have achieved at a level that allows a university or college to look at their history and performance and say, "This student has performed well, and because they have performed well, we can expect that they will perform well at a college or university." I think the advantage of really utilizing that trigger for eligibility is that we will find a distribution of these scholarships that are much more fair and by and large will not have the kind of skewed socio-economic distribution that this test is going to produce.

We could take the same study by the *Lansing State Journal* and go from community to community throughout this state, and we would see the same picture. If we are forewarned, it's a shame that we would choose to put this effect into place. I would urge the body to use the college admissions process as a standard for granting these scholarships. They are just a one-year scholarship. They are a recognition of achievement, and that achievement, quite frankly, mirrors the college admissions process. And so, Mr. President, I would urge adoption of the substitute.

Senator Cherry's second statement is as follows:

Merit, like beauty, is in the eyes of the beholder. I have a hard time believing that any test that has encountered the controversy as has the MEAP test, has undergone as many revisions as has the MEAP test, and has been rejected by parents and students as the MEAP test has been is an adequate measure of merit. Ultimately, this bill as it stands now

does not necessarily confer these scholarships on students who have achieved merit. It simply conveys these scholarships on students who've scored at a certain level on the MEAP test. That's all it's done. Ultimately, I think there are better measures of merit, and I think the most universal one in this society is acceptance by a college or university. And that's what this substitute does.

But let me talk a little bit more about the impact of this MEAP test. Of the 41 school districts surveyed by the *Lansing State Journal*—of the 41 school districts surveyed—only 4 had students in excess of 50 percent who qualified. They actually had four districts that had less than 20 percent of their students who qualified. Webberview Community Schools only had 9.8 percent of their students who took the test score at a qualifying level. Maple Valley School District only had 15.9 percent of the students who took the test score at a qualifying level. The Fulton schools only had 9.1 percent of the students who took the test score at a qualifying level. Durand schools only had 16.3 percent of the students who took the test score at a qualifying level, and that stands in direct contrast to the 69.9 percent in Okemos, 58.6 percent in East Lansing, 55.3 percent at Williamston, and 54.5 percent at Mason public schools.

I have a hard time believing when you begin at the distribution of these school districts and the scores achieved that MEAP comes anywhere close to determining merit. Again, I think, Mr. President, that if we want to really focus in on making sure that students who have performed in a meritorious fashion receive encouragement to learn and encouragement to go on to college and to get financial assistance in that endeavor, the best way is to recognize it by who is accepted because the acceptance process is generally a very rigorous process. It's one that employs a number of measures from standardized tests that have for many, many years been recognized and accepted, such as the SAT or the ACT. It involves grade point levels. It involves an examination of a student's community activity. It usually involves a sense of a student's ability to write as they produce essays in their application process to explain why they want to seek a higher education. The admissions process is much more rigorous than is the MEAP, and it is ultimately much fairer in its results.

If anything, what this survey done by the *Lansing State Journal* does is bring into real question the ability of the MEAP to judge anything. But yet, we're today prepared to provide significant dollars for people to go on to college and distribute those dollars based upon a deeply flawed test. How unfair!

If it's our job to use this test to encourage people to learn, to encourage people to go on, and to encourage people to achieve, we ought not use a flawed test. If anything, a parent knows about working with kids. If you want the kid to do the right thing, and if you want the kid to excel, you don't use a bad test as judgment as to whether they succeed. You use a fair test. You treat your child fairly. You explain to them the rules of the game, and you know, generally, they'll meet that challenge. Ultimately, I think that's what this college admissions process has been and has been for decades.

I would urge that we not use a flawed test, that we would be fair about the distributions of these scholarships, and that we recognize what everybody else in society recognizes—that it is an achievement. It's a matter of pride. It's a matter of individual pride. It's a matter of family pride when a college informs a student that their performance has been such that they merit admission to a college or a university.

I would urge adoption of the substitute, Mr. President.

Senator Byrum offered the following amendment:

1. Amend page 6, line 5, after "1." by inserting "The board shall ensure that the assessment tests are aligned with the state board recommended model core academic curriculum content standards."

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 353

Yeas—15

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

Nays—22

Bennett	Goschka	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Hammerstrom	Rogers	Steil

Dunaskiss
Emmons
Gast

Jaye
Johnson
McCotter

Schuette
Schwarz

Stille
Van Regenmorter

Excused—0

Not Voting—1

Hoffman

In The Chair: President

Senator Dingell offered the following amendments:

1. Amend page 5, line 5, after “legislature,” by inserting “and provided that the legislature also has appropriated funds for disbursement from the Michigan health care trust fund under section 12”.

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

“Sec. 10. (1) The Michigan health care trust fund is established in the department of treasury. The Michigan health care trust fund shall consist only of interest and earnings from Michigan health care trust fund investments, donations of money made to the Michigan health care trust fund from any source, and the following percentages of tobacco settlement revenue:

(a) Thirty percent of the tobacco settlement revenue received in fiscal year 1999-2000.

(b) Fifty percent of tobacco settlement revenue received in fiscal year 2000-2001.

(c) Twenty-five percent of tobacco settlement revenue received in fiscal year 2001-2002 and in subsequent fiscal years.

(2) Money in the Michigan health care trust fund at the close of a fiscal year shall remain in the Michigan health care trust fund and shall not revert to the general fund.

(3) The state treasurer shall direct the investment of the Michigan health care trust fund.

Sec. 11. (1) The Michigan health care award board is established within the department of treasury.

(2) The Michigan health care award board shall exercise its authority, powers, duties, and responsibilities independent of the state treasurer.

(3) The Michigan health care award board shall consist of 7 members. The members shall include the state treasurer or his or her designee, the director of the department of community health or his or her designee, and 5 members appointed by the governor with the advice and consent of the senate. The state treasurer or his or her designee shall serve as the chairperson of the Michigan health care award board.

(4) The term of a member appointed by the governor shall be 4 years. Of the members first appointed by the governor, 2 shall be appointed for 2-year terms and 3 shall be appointed for 4-year terms.

(5) A member appointed by the governor may be removed by the governor for neglect of duty or malfeasance in office.

(6) A vacancy on the Michigan health care award board shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(7) The Michigan health care award board may incur expenses necessary to carry out its powers and duties under this act and shall compensate its members for reasonable expenses incurred in carrying out their official duties.

Sec. 12. Subject to appropriation by the legislature, the Michigan health care award board may authorize disbursement of funds from the trust fund for 1 or more of the following purposes:

(a) Finance facilities, equipment, and programs to aid in the diagnosis and treatment of tobacco-related illness.

(b) Finance research related to diagnosis and treatment of tobacco-related illness.

Sec. 13. (1) The business of the Michigan health care award board shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of meetings of the Michigan health care award board shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) The Michigan health care award board shall meet not less than annually and shall keep a record of its proceedings. A writing prepared, owned, used, in the possession of, or retained by the Michigan health care award board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.”

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

The question being on the adoption of the amendments,

Point of Order

Senator Rogers raised the Point of Order that the amendments offered by Senator Dingell to House Bill No. 4666 were not germane to the bill.

The President, Lieutenant Governor Posthumus, stated that pursuant to Article 4, Section 24, of the State Constitution that deals with object, title, and amendments changing purpose, "No law shall embrace more than one object, which shall be expressed in its title..." The bill creates the Michigan Merit Award Scholarship Trust Fund, and the proposed amendment would create the Michigan Health Care Trust Fund in the same bill. The President ruled that the amendment would change the bill's original purpose, and therefore, the amendment was not germane.

Senator Dingell appealed the decision of the Chair.

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

Senator Dingell requested the yeas and nays.

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

The decision of the Chair stood as the judgment of the Senate, a majority of the members present voting therefor, as follows:

Roll Call No. 354

Yeas—23

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

Nays—15

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

Excused—0

Not Voting—0

In The Chair: President

Protests

Senators Cherry and Dingell, under their constitutional right of protest (Art. 4, Sec. 18), protested against the ruling by the Chair on the germaneness of the amendments offered by Senator Dingell to House Bill No. 4666 and moved that the statements they made during the discussion of the ruling be printed as their reasons for voting "no."

The motion prevailed.

Senator Cherry's statement is as follows:

I understand your ruling. It's that the amendment is out of order because it embraces more than one object. As I understand and read the amendment, it seems to me the amendment embraces the object of the bill, which is to appropriate money for merit scholarships. What the amendment does is establish conditions by which that appropriation can be made, which is keeping with the object of the bill itself. So on that basis, it seems to me, Mr. President, that the decision of the Chair ought to be overturned.

I don't view this as embracing two objects, simply establishing the conditions of the appropriations that the bill makes towards the merit scholarship program and that it simply can be addressed, as we do in a number of instances, by a simple title change. I urge that we overturn the decision of the Chair.

Senator Dingell's statement is as follows:

Yesterday's amendment simply set up a new trust fund. Today's amendment, as I said, is a rule beater. What it does is set up a condition before which money can come out of the education trust fund. It stays within the existing purpose of the original bill.

The objection from the majority party is merely a tissue-thin attempt to hide a drive by them to block any of the tobacco settlement money from being spent on health care—treatment problems that arise from tobacco use. I believe that especially the health care professions will see this for exactly for what it is, and I think also the press will. So I recommend to my colleagues that they overturn this ruling of the Chair.

Senator Schwarz offered the following amendment:

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

“(10) A pupil who does not initially receive qualifying results shall be extended an opportunity to achieve the requisite qualifying results by taking a subsequent assessment test.” and renumbering the remaining subsection.

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

Senator Sikkema offered the following amendment:

1. Amend page 6, line 8, after “release.” by inserting “However, all questions shall be made available no later than 2 years after the assessment test is administered.”.

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

Senator Jaye offered the following amendment:

1. Amend page 13, line 17, after “act” by inserting “but only to the extent that the test scores used to qualify meet or exceed Michigan standards”.

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

The question being on the passage of the bill,

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

Roll Call No. 355

Yeas—33

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

Nays—5

Emerson	Murphy	Smith, V.	Vaughn
Hart			

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 of the bill.

Protests

Senators V. Smith and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4666.

Senator V. Smith moved that the statements he made during the discussion of the substitute offered by Senator Cherry be printed as his reasons for voting “no.”

The motion prevailed.

Senator V. Smith’s first statement is as follows:

Mr. President and members, I rise to support the Cherry substitute and to share with you maybe a perspective that you would not have on this particular issue.

I can appreciate the desire of Chairman Bullard to support merit, but merit is not always a reflection of need. In my particular community, merit and the way that this particular scholarship would be proposed would exclude the majority of students coming out of my community under this merit scholarship program. One of the reasons that we would be excluded is because traditionally students out of African American communities have scored poorly on standardized tests. I’m not going to characterize the reasons why I think that is occurring. I think there are a number of reasons that that has traditionally occurred in terms of scoring on traditional tests.

So a better indicator in my particular community is the gaining of admission to the university. Now there are only a small percentage out of the African American community who are having access to the university in the first place. We’ve got at best 5 percent who are having the ability to move on to the higher educational system. We’re trying to expand those numbers out, but I would like to see all of those students who gain that measure of success, that measure of graduation from high school, and that measure of academic performance through their grade point average. And that’s the indicator that has generally been their strongest measure of success, and that’s generally the indicator that also has allowed them to gain admission to the university. That’s not the MEAP test. That’s not the SAT test. It’s not the ACT test. It is their GPA, and it is their extracurricular activities and other things that have impressed the admissions officers to allow them to gain acceptance and admittance to the university systems within this state.

At least out of the African American community, we would probably be penalizing a majority of the students who have been successful in that admissions process with the establishment of merit as the only basis upon the implementation of the scholarship program. I think and hope that this body would adopt the Cherry substitute that clearly would be better reflective within the urban communities in this state to give that type of overall support to all of the admittees to the university system from those areas. It would be a better reflector of a broad-based support for those who have achieved this level of excellence.

I would hope that we would adopt the Cherry substitute and spread the largess of this campaign to all of our college graduates and not just to the top 10 percent or 15 percent who have done well on the merit test program. So I would hope that this body would support the Cherry substitute.

Senator V. Smith’s second statement is as follows:

Just one quick comment to my distinguished colleague from the 15th District. He and I view this a little differently. I think that the purpose of this program is to help kids, especially to help Michigan kids go through our university system and to give them some level of support and a leg up. He basically will miss most of the kids who need the help by putting the merit portion in play through this scholarship program. You will exclude 80 percent of the children coming out of my community who have the most need.

The ones who are scoring well are coming from two-parent households and generally higher income households. They’ve got a lot of support. They’ve got a lot of help from throughout the community, especially from their own parents who are definitely there involved. But those kids who make that step up who are coming from families where there may only be one parent in the household and who do not have all the extracurricular or other support mechanisms in place have the biggest need for these dollars. Those would be the children who would be excluded by the merit portion of this program.

I think the Cherry approach is a much more comprehensive approach. It clearly will be more inclusive of urban areas, and I would hope that the body would support the Cherry substitute.

Senator Hart’s statement is as follows:

The tobacco settlement merit scholarships—I opposed the merit scholarship legislation passed today because we created it using the wrong money.

These merit scholarships will be funded with tobacco settlement dollars. We have this tobacco money because the state sued the tobacco companies for health care costs associated with smoking. That money should go for anti-smoking education and smoking cessation programs. The tobacco settlement money was won because of health care arguments, and it should go for health care programs.

Unless we use this money to deter smoking, we’ll raise another generation of smokers. If that happens, then our children will face the same smoking-related health care problems that we face. Teaching them to never light up in the

first place will save money as well as lives. We know that far too many young people smoke. We know that tobacco companies target young people so that they can continue to line their pockets with profits. The tobacco settlement money gave us the best opportunity we ever had to turn people away from smoking. This was our best chance to educate our children and teach them to never light that first cigarette. By not using the money for health and anti-smoking education, we're losing a golden opportunity. We've lost it.

I'm angry that we cannot use this money to educate people and save lives.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

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

House Bill No. 4082

House Bill No. 4733

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 4489, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending the title and sections 57, 59, 60, 61, 73c, 74, 87c, 107, 108, 131, 131c, and 131e (MCL 211.57, 211.59, 211.60, 211.61, 211.73c, 211.74, 211.87c, 211.107, 211.108, 211.131, 211.131c, and 211.131e), the title and section 59 as amended by 1983 PA 254, sections 57, 60, 61, 73c, 74, 108, 131, and 131c as amended by 1993 PA 291, section 87c as amended by 1988 PA 450, section 107 as amended by 1998 PA 378, and section 131e as amended by 1996 PA 476, and by adding sections 60a, 67c, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, and 78p; and to repeal acts and parts of acts.

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

1. Amend page 23, line 25, after "PAID" by striking out "BEFORE THE DATE OF" and inserting "WITHIN 21 DAYS AFTER JUDGMENT IS ENTERED IN".
2. Amend page 24, line 2, after "EXPIRE" by striking out "IF" and inserting "21 DAYS AFTER".
3. Amend page 25, line 9, after "PAID" by striking out "BEFORE THE DATE OF" and inserting "WITHIN 21 DAYS AFTER JUDGMENT IS ENTERED IN".
4. Amend page 25, line 13, after "EXPIRE" by striking out "IF" and inserting "21 DAYS AFTER".
5. Amend page 25, line 20, after "ADD" by striking out the balance of the line through "78P" on line 21 and inserting "A \$15.00 FEE, AS ADJUSTED UNDER SECTION 78P".
6. Amend page 27, line 25, after "PAID" by striking out "BEFORE THE DATE OF" and inserting "WITHIN 21 DAYS AFTER JUDGMENT IS ENTERED IN".
7. Amend page 28, line 2, after "EXPIRE" by striking out "IF" and inserting "21 DAYS AFTER".
8. Amend page 29, line 10, after "UNTIL" by inserting "21 DAYS AFTER".
9. Amend page 29, line 12, after "ADD" by striking out the balance of the line through "78P" on line 13 and inserting "A \$175.00 FEE, AS ADJUSTED UNDER SECTION 78P".
10. Amend page 29, line 22, after "TREASURER" by striking out "UPON" and inserting "21 DAYS AFTER".
11. Amend page 30, line 7, after "BEFORE" by inserting "21 DAYS AFTER".
12. Amend page 37, line 22, after "PAID" by striking out "BEFORE" and inserting "WITHIN 21 DAYS AFTER".
13. Amend page 37, line 26, after "EXPIRE" by striking out "IF" and inserting "21 DAYS AFTER".
14. Amend page 38, line 14, after "THAN" by striking out "DECEMBER 31" and inserting "7 DAYS".
15. Amend page 40, line 19, after "CASES." by striking out the balance of the line through "FORECLOSURE," on line 21.
16. Amend page 40, line 22, after "EXPIRE" by inserting "21 DAYS AFTER THE CIRCUIT COURT ENTERS A JUDGMENT FORECLOSING THE PROPERTY AS REQUESTED IN THE PETITION FOR FORECLOSURE".
17. Amend page 41, line 2, after "JUDGMENT" by striking out "IS VESTED" and inserting "WILL VEST".

18. Amend page 41, line 3, after "REDEMPTION" by inserting a comma and "IF ALL FORFEITED DELINQUENT TAXES, INTEREST, PENALTIES, AND FEES ARE NOT PAID WITHIN 21 DAYS AFTER ENTRY OF THE JUDGMENT".

19. Amend page 41, line 8, after "EXTINGUISHED" by inserting a comma and "IF ALL FORFEITED DELINQUENT TAXES, INTEREST, PENALTIES, AND FEES ARE NOT PAID WITHIN 21 DAYS AFTER ENTRY OF THE JUDGMENT".

20. Amend page 41, line 10, after "PROPERTY" by inserting a comma and "IF ALL FORFEITED DELINQUENT TAXES, INTEREST, PENALTIES, AND FEES ARE NOT PAID WITHIN 21 DAYS AFTER ENTRY OF THE JUDGMENT".

21. Amend page 41, line 16, after "INTERESTS" by inserting a comma and "IF ALL FORFEITED DELINQUENT TAXES, INTEREST, PENALTIES, AND FEES ARE NOT PAID WITHIN 21 DAYS AFTER ENTRY OF THE JUDGMENT".

22. Amend page 41, line 21, after "PAID" by striking out "BEFORE" and inserting "WITHIN 21 DAYS AFTER".

23. Amend page 41, line 23, after "UNIT" by striking out "UPON ENTRY OF JUDGMENT".

24. Amend page 50, line 27, after "SHALL" by striking out the balance of the line and inserting "ADJUST ALL OF THE FOLLOWING FEES".

25. Amend page 51, line 4, after "SHALL" by striking out the balance of the line through "SHALL" on line 5.

26. Amend page 51, line 8, after "WHICH" by striking out the balance of the line through "VISION" on line 10.

27. Amend page 51, following line 12, by inserting:

"(2) THE STATE TREASURER SHALL NOT ADJUST THE FEES UNDER SUBSECTION (1) AFTER DECEMBER 31, 2002." and renumbering the remaining subsections.

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

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

House Bill No. 4509, entitled

A bill to create an urban homestead program for multifamily public housing; to provide that certain local governmental units and public housing entities create and administer urban homestead programs for multifamily public housing; to prescribe the powers and duties of certain state and local governmental units and public housing entities; and to provide for the disposition of personal and real property.

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

1. Amend page 6, following line 14, by striking out all of subdivision (h).

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

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

House Bill No. 4733, entitled

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

Substitute (S-2).

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

1. Amend page 4, line 26, after "THAN" by striking out the balance of the line through "UNIT" on line 27 and inserting "9 ADDITIONAL RENAISSANCE ZONES".

2. Amend page 5, line 1, after "SECTION." by inserting "NOT MORE THAN 6 OF THE RENAISSANCE ZONES SHALL BE LOCATED IN URBAN AREAS AND NOT MORE THAN 4 OF THE RENAISSANCE ZONES SHALL BE LOCATED IN RURAL AREAS.".

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 amendment, the following bill:

House Bill No. 4499, entitled

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

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

1. Amend page 2, line 10, after "TO" by striking out "DETER" and inserting "EXCLUDE".

2. Amend page 2, line 13, after "PRACTICES" by striking out the comma.

3. Amend page 6, following line 18, by inserting:

“(4) AN ORDER UNDER THIS PART CONCERNING BAITING TO TAKE DEER OR ELK OR CONCERNING DEER OR ELK FEEDING SHALL NOT, AFTER THE DATE 3 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, MAKE A DISTINCTION BETWEEN THE DEPOSITING OR DISTRIBUTING OF FEED BY HAND AND THE DEPOSITING OR DISTRIBUTING OF FEED BY A MECHANICAL DEVICE, WHETHER THE MECHANICAL DEVICE IS OPERATED BY HUMAN POWER OR OTHERWISE.”

4. Amend page 6, following line 18, enacting section 1, after “effective” by striking out the balance of the sentence and inserting “December 31, 2004.”

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

House Bill No. 4075, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, capital outlay, and certain other state purposes for the fiscal year ending September 30, 1999 and for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Recess

Senator Rogers moved that the Senate recess until 4:00 p.m.

The motion prevailed, the time being 1:20 p.m.

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

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

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

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Sikkema and Shugars introduced

Senate Bill No. 637, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 42, 73, 283, 393, 544b, 686, and 686a (MCL 168.42, 168.73, 168.283, 168.393, 168.544b, 168.686, and 168.686a), section 686a as amended by 1988 PA 116.

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

Senators Sikkema and Shugars introduced

Senate Bill No. 638, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 308, 1416, 6431, 6440, 6452, 6458, 6467, 6470, and 6475 (MCL 600.308, 600.1416, 600.6431, 600.6440, 600.6452, 600.6458, 600.6467, 600.6470, and 600.6475), section 308 as amended by 1994 PA 375, and by adding section 645; and to repeal acts and parts of acts.

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

Senator McManus introduced

Senate Bill No. 639, entitled

A bill to designate an official waltz of this state.

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

Senator McManus introduced
Senate Bill No. 640, entitled

A bill to amend 1966 PA 326, entitled "An act to regulate the rate of interest of money; to provide exceptions; to prescribe the rights of parties; and to repeal certain acts and parts of acts," by amending section 1 (MCL 438.31).

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

Senators McManus, A. Smith, DeBeaussaert and Goschka introduced
Senate Bill No. 641, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 91 (MCL 38.1391), as amended by 1998 PA 85.

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

House Bill No. 4386, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 601 (MCL 4.1601), as amended by 1993 PA 24.

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

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 4:06 p.m.

5:35 p.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4386, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 601 (MCL 4.1601), as amended by 1993 PA 24.

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

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

House Bill No. 4618, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2441 (MCL 600.2441).

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

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

House Bill No. 4691, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4t.

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

The bill was read a first and second time by title.

Senator Rogers moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

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

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

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

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

House Bill No. 4082, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1989 PA 194.

Substitute (S-2).

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

1. Amend page 2, line 24, after "(3)" by striking out "UNTIL JULY 1, 2002,".
2. Amend page 4, line 23, after "SUBSECTIONS" by striking out "(3), (4)," and inserting "(4)".

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

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

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

House Bill No. 4489

House Bill No. 4509

House Bill No. 4733

House Bill No. 4082

House Bill No. 4499

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

Senator Rogers moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4489

House Bill No. 4509

House Bill No. 4733

House Bill No. 4499

House Bill No. 4082

The motion prevailed.

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. 4489, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending the title and sections 57, 59, 60, 61, 73c, 74, 87c, 107, 108, 131, 131c, and 131e (MCL 211.57, 211.59, 211.60, 211.61, 211.73c, 211.74, 211.87c, 211.107, 211.108, 211.131, 211.131c, and 211.131e), the title and section 59 as amended by 1983 PA 254, sections 57, 60, 61, 73c, 74, 108, 131, and 131c as amended by 1993 PA 291, section 87c as amended by 1988 PA 450, section 107 as amended by 1998 PA 378, and section 131e as amended by 1996 PA 476, and by adding sections 60a, 67c, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, and 78p; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator North offered the following amendment:

1. Amend page 32, line 14, by striking out all of subsection (3) and inserting:

"(3) THE FORECLOSING GOVERNMENTAL UNIT MAY WITHHOLD THE FOLLOWING PROPERTY FROM THE PETITION FOR FORECLOSURE FILED UNDER THIS SECTION:

(A) PROPERTY THE TITLE TO WHICH IS HELD BY MINOR HEIRS OR PERSONS WHO ARE INCOMPETENT OR WITHOUT MEANS OF SUPPORT UNTIL A GUARDIAN IS APPOINTED TO PROTECT THAT PERSON'S RIGHTS AND INTERESTS.

(B) PROPERTY THE TITLE TO WHICH IS HELD BY A PERSON UNDERGOING SUBSTANTIAL FINANCIAL HARDSHIP.

(4) IF A FORECLOSING GOVERNMENTAL UNIT WITHHOLDS PROPERTY FROM THE PETITION FOR FORECLOSURE UNDER SUBSECTION (3), A TAXING UNIT’S LIEN FOR TAXES DUE OR THE FORECLOSING GOVERNMENTAL UNIT’S RIGHT TO INCLUDE THE PROPERTY IN A SUBSEQUENT PETITION FOR FORECLOSURE IS NOT PREJUDICED.” and renumbering the remaining subsection.

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. 356

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Rogers 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. 4509, entitled

A bill to create an urban homestead program for multifamily public housing; to provide that certain local governmental units and public housing entities create and administer urban homestead programs for multifamily public housing; to prescribe the powers and duties of certain state and local governmental units and public housing entities; and to provide for the disposition of personal and real property.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 6, following line 14, by inserting:

“(h) That all occupants of the premises meet the criteria of subdivisions (b) and (e).”.

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

The question being on the passage of the bill,

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

Roll Call No. 357

Yeas—37

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

Nays—1

Jaye

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Rogers moved that the bill be given immediate effect.

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

The Senate agreed to the title of the bill.

Protest

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4509.

Senator Jaye’s statement is as follows:

Mr. President and Senate colleagues, I voted against this legislation because this bill now allows live-in boyfriends or teenage thugs and gang members who’ve been sex offenders, convicted of drug abuse, convicted of violent felonies, and assaults to be able to live in these units.

I think the bill had a lot of merit, and there were some very positive aspects to the legislation. But what is appropriate for the owner of the unit should also be appropriate for every other occupant. All too often senior citizens and women-headed households are terrorized by teenage gang members. They’re terrorized by occupants and live-in boyfriends usually who may not have their name officially on the title but are occupants. I believe in order for them to be able to help themselves and move into the middle class and have the responsibility of home ownership, we also have to make sure that their neighborhood is not threatened by those who would draw them down in the cycle of violence that leads to fear, that leads to despair, and that leads to poverty and abuse.

There’s been a number of neighborhood organizations that have asked to be able to evict individuals whose kids are out of control or who have got occupants who are out of control, who are terrorizing, risking the security, selling drugs, and creating mayhem. Because the name isn’t officially on the lease agreement or now on the ownership agreement, they are powerless as a neighborhood association to get these bad eggs out of the neighborhood. So I would hope that

in the very near future that we will empower the neighborhood associations to be able to get the violent sex offenders, the drug dealers, and the gang members out of the neighborhood, even if those individuals are not the owners but maybe a live-in boyfriend or a gang member.

The following bill was read a third time:

House Bill No. 4733, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending the title and sections 3 and 5 (MCL 125.2683 and 125.2685) and by adding sections 8a and 8b.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

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

“(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A BUSINESS IS NOT ELIGIBLE FOR THE EXEMPTION, DEDUCTION, OR CREDIT LISTED IN SECTION 9(1) OR (2) UNLESS THAT BUSINESS PROVIDES HEALTH CARE INSURANCE FOR ALL ITS FULL-TIME EMPLOYEES WHO ARE EMPLOYED WITHIN THE RENAISSANCE ZONE.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 358

Yeas—17

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendment:

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

“(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A BUSINESS IS NOT ELIGIBLE FOR THE EXEMPTION, DEDUCTION, OR CREDIT LISTED IN SECTION 9(1) OR (2) UNLESS THAT BUSINESS PROVIDES RETIREMENT BENEFITS FOR ALL ITS FULL-TIME EMPLOYEES WHO ARE EMPLOYED WITHIN THE RENAISSANCE ZONE.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 359**Yeas—17**

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Goschka
Hart
Jaye
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Schwarz

The question being on the passage of the bill,

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

Roll Call No. 360**Yeas—30**

Bennett
Bullard
Byrum
DeGrow
Dunaskiss
Emerson
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Rogers
Schuette

Schwarz
Shugars
Sikkema
Smith, V.
Steil
Stille
Van Regenmorter

Nays—7

Cherry
DeBeaussaert

Dingell
Jaye

Peters
Smith, A.

Vaughn

Excused—0**Not Voting—1**

Young

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 create certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies and officials.”.

The Senate agreed to the full title.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4733.

Senator Cherry’s statement is as follows:

Mr. President, I voted “no” on House Bill No. 4733, which would expand the number of renaissance zones that could occur in Michigan. Even though earlier today I supported legislation that would allow the expansion of the existing zones, I felt it inappropriate to allow for additional designations of renaissance zones.

The reason, Mr. President, quite simply is that I do not believe that with the present zones that they have seen adequate results in the way of economic development. That’s not to say that over time our hopes and dreams might be fulfilled, but we’ve only had a little less than three years for these zones to receive the full benefit of their designation. If we were to expand the number of zones in the state, we may, in fact, stifle the economic development that could occur in the current zones.

As you begin to look, Mr. President, at some of the experience we’ve seen over the last two and a half years, in the Detroit zone, a total of five businesses have located in the renaissance zone. In Benton Harbor, we have seen a total of four businesses. In the Flint zone, we have seen a total of three businesses. Clearly, Mr. President, while there has been positive economic activity develop, it is far less than, perhaps, we initially hoped.

I am convinced that over time all of these zones will see very important growth. But if we expand the zones, it may not mature, and it may not result in our current zones. So I think we’re best to wait here till what we’ve done in the way of current zones achieves success before we open up additional areas. On that basis, Mr. President, I voted “no” on this bill.

Certainly, in the future if our current zones achieve the level of success that we had hoped, I’m open to the expansion of additional zones. Right now I think our efforts ought to focus on those zones that we have in place now.

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

The motion prevailed.

Senator Schuette’s first statement is as follows:

We should reject this amendment and the subsequent one.

We all have to remember what the purpose of the renaissance zone is. This renaissance zone is spelled “OPPORTUNITY.” This renaissance zone bill is called “Let’s try to provide some jobs” in areas of Michigan, in urban areas, often predominantly minority, and some rural areas where there has not been enough growth like we’d want to see as we’ve seen in some of the suburbs where we see explosive growth. This is Michigan’s way of saying you build jobs when you reduce taxes.

What we ought not to do is make this another effort of a living wage or mandating benefits—everything that chokes and stamps out and snuffs out opportunity in urban areas. Mayor Archer, as an example, has expressed his concern about the living wage proposal in Detroit, and frankly, we ought to change that so we have opportunities in cities, not trying to mandate certain things.

So the point here is what we’re doing in the renaissance zone is trying to encourage businesses to build a new frontier of opportunity and jobs in Michigan in urban areas. Let us build new jobs and new opportunities for growth. Let us not mandate some solution that ends up turning down the opportunity to have more growth and jobs in our state.

We should reject this amendment and the one subsequent to it.

Senator Schuette’s second statement is as follows:

I think it’s important for us to realize that this is a philosophical underpinning of the purpose of the renaissance zones.

These amendments, this amendment before us and the one previously discussed, really are kindred souls and cousins to the living wage which, frankly, leaders across the state are saying if you impose measures like this, and if you mandate these types of issues, you will turn off the opportunity to build jobs in areas that are distressed.

The point of the renaissance zones is that we would like to have some jobs and economic development in places where, under normal circumstances, it might go to some suburb. I want to make sure there are more jobs in downtown Detroit. So what we're trying to do is say, "Let's have an opportunity where we eliminate your taxes and try to build jobs where people live."

Health care—let me underscore this—health care is important, and what we're trying to do with a variety of different tools in Michigan's economic toolbox is to encourage people to provide health care. We're going to eliminate the single business tax so as not to impose a penalty on companies that do offer health care benefits to their employees because today if you offer health care benefits to your employees, it's calculated into what the base of the SBT is. You actually penalize those who offer health care benefits. So we're trying to change the system on health care, too, to help people and encourage jobs and growth in areas where employers may not otherwise go.

We should reject this amendment and pass this bill.

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

House Bill No. 4082, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1989 PA 194.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 361

Yeas—36

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

Nays—2

Jaye Shugars

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 a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4499, entitled

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

The question being on the passage of the bill,
Senators Koivisto and North offered the following amendment:

1. Amend page 6, following line 18, by inserting:

“(3) THIS SECTION SHALL NOT APPLY TO THE UPPER PENINSULA OF THIS STATE, EXCLUDING DEER MANAGEMENT UNIT 215.” and renumbering the remaining subsection.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 362

Yeas—18

Cherry	Hart	Miller	Shugars
DeBeaussaert	Jaye	Murphy	Smith, A.
Dingell	Koivisto	North	Smith, V.
Dunaskiss	Leland	Peters	Vaughn
Emerson	McCotter		

Nays—20

Bennett	Gast	Johnson	Sikkema
Bullard	Goschka	McManus	Steil
Byrum	Gougeon	Rogers	Stille
DeGrow	Hammerstrom	Schuette	Van Regenmorter
Emmons	Hoffman	Schwarz	Young

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator North offered the following amendment:

1. Amend page 6, line 13, by striking out all of subsection (3).

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

The question being on the passage of the bill,

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

Roll Call No. 363

Yeas—35

Bennett	Emmons	McCotter	Sikkema
Bullard	Gast	McManus	Smith, A.
Byrum	Goschka	Miller	Smith, V.
Cherry	Gougeon	Murphy	Steil
DeBeaussaert	Hammerstrom	Peters	Stille
DeGrow	Hart	Rogers	Van Regenmorter

Dingell
Dunaskiss
Emerson

Hoffman
Johnson
Leland

Schuette
Schwarz
Shugars

Vaughn
Young

Nays—3

Jaye

Koivisto

North

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Rogers moved that the bill be given immediate effect.

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

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.

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

House Bill No. 4471, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3104, 3109a, 3119, 30101, 30104, 30105, 30109, 32312, and 32513 (MCL 324.3104, 324.3109a, 324.3119, 324.30101, 324.30104, 324.30105, 324.30109, 324.32312, and 324.32513), section 3104 as amended by 1995 PA 169, section 3109a as added by 1995 PA 70, section 30101 as added by 1995 PA 59, section 30104 as amended by 1996 PA 97, sections 30105 and 30109 as amended by 1995 PA 171, section 32312 as amended by 1995 PA 168, and section 32513 as amended by 1995 PA 170.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 15, following line 22, by inserting:

“Sec. 32503. (1) Except as otherwise provided in this section, the department, after finding that the public trust in the waters will not be impaired or substantially affected, may enter into agreements pertaining to waters over and the filling in of submerged patented lands, or to lease or deed unpatented lands, after approval of the state administrative board. HOWEVER, THE DEPARTMENT SHALL NOT ENTER INTO AN AGREEMENT, LEASE, OR DEED FOR GREAT LAKES SUBMERGED LANDS WHICH PROVIDES FOR DIRECTIONAL DRILLING FOR OIL OR GAS DEPOSITS. Quitclaim deeds, leases, or agreements covering unpatented lands may be issued or entered into by the department with any person, and shall contain such terms, conditions, and requirements as the department determines to be just and equitable and in conformance with the public trust. The department shall reserve to the state all mineral rights, including, but not limited to, coal, oil, gas, sand, gravel, stone, and other materials or products located or found in those lands, except where lands are occupied or to be occupied for residential purposes at the time of conveyance.

(2) A riparian owner shall obtain a permit from the department before dredging or placing spoil or other materials on bottomland.

(3) The department shall not enter into a lease or deed of unpatented lands that permits drilling operations for the taking of oil or gas, unless all drilling operations originate from locations above and inland of the ordinary high-water mark. The department shall not enter into a lease or deed of unpatented lands that permits drilling for exploration purposes unless the drilling operations originate from locations above and inland of the ordinary high-water mark.

(4) An agreement, lease, or deed entered into under this part by the department with the United States shall be entered into and executed pursuant to the property rights acquisition act, Act No. 201 of the Public Acts of 1986, being section (3.251 to 3.262) of the Michigan Compiled Laws.”.

The question being on the adoption of the amendment,

Point of Order

Senator Sikkema raised the Point of Order that the amendment offered by Senator Peters to House Bill No. 4471 was not germane to the bill because it did not deal with the subject matter of the bill.

The President pro tempore, Senator Schwarz, ruled that the amendment was not germane because the amendment dealt with the recovery of a natural resource, and the bill deals with the protection of the natural resource.

Senator Cherry appealed the decision of the Chair.

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

The decision of the Chair stood as the judgment of the Senate, a majority of the members present voting therefor.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the ruling of the Chair on the germaneness of the amendment offered by Senator Peters to House Bill No. 4471.

Senator Cherry’s statement is as follows:

Mr. President, I voted “no” on the question of whether the decision of the Chair ought to be the decision of the body because really what is at issue here is the natural resources protection act. While we are amending a portion of that to deal with storm water issues, the act itself is a much broader act. It contemplates much more in the way of protection of our natural resources in a number of ways, and clearly, the amendment offered by Senator Peters falls into that broad categorization of environmental protection.

It seems to me, Mr. President, if it becomes the position of the body that on a multi-sectional bill dealing with a very broad act such as the natural resources protection act, if we are about to say that an amendment must be very narrow when we are dealing with that act in a multi-section way, then a number of things that this body has done in the past now become questionable on the grounds of germaneness. I think it’s important to understand how broad the Michigan environmental protection act is and how it does contemplate dealing with issues such as those raised by Senator Peters. Now to rule that the amendment was not germane means that in the future as we deal with multi-sectional bills, unless the amendment is very narrowly construed, this body has set a precedent to say that those amendments are not germane. On that basis, Mr. President, I vote “no.”

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. 364

Yeas—34

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

Nays—4

DeBeaussaert	Jaye	Koivisto	Smith, A.
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Excused—0**Not Voting—0**

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

Protests

Senators DeBeaussaert and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4471.

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

The motion prevailed.

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

I rise to oppose passage of the bill before us. I would have voted against it regardless of the action on the previous amendment that was offered, but I think that the previous amendment’s rejection on the ruling of germaneness gives me another reason to oppose it.

It seems to me that if, in fact, it is not germane to add the amendment that was offered by the Senator from the 14th District, the language that was added to this bill in this process that would allow for the use of mixing zones to be offered by the department as a remediation without a formal permit process is equally not germane. In fact, that was added. It was suggested that this bill as it began dealt with the issue of permits, extension of those or the elimination of the sunset on some of those permits, fees, and that’s true. But the additional language that would allow for the lack of a discharge permit for the mixing zones was added on the floor. If that was, in fact, germane, it seems to me that the previous amendment should also have been germane.

But I oppose the concept of the mixing zones when it was first put into law in 1995. That concept, in part at least, suggests that dilution is the solution to pollution. It’s a concept that has largely been rejected by members of the public whom I’ve talked to, and now this bill takes us to the next step and says if you’re going to use those mixing zones, you don’t need the formal permit.

I applaud the inclusion of the language that would at least require that there be some notice that it will occur, but that is far short of the kind of protection that I think is needed. I think it’s far short of the kind of protection that the public would desire, so I don’t see any reason to vote for this bill.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Rogers moved to reconsider the vote by which consideration of the following bills was postponed for today:

Senate Bill No. 347

Senate Bill No. 348

Senate Bill No. 543

Senate Bill No. 573

Senate Bill No. 357

The motion prevailed.

The question being on the motion that further consideration of the bills be postponed for today,

Senator Rogers withdrew the motion.

Senate Bill No. 343, entitled

A bill to create an urban homestead program; to permit certain local governmental units or nonprofit community organizations to create and administer urban homestead programs; to prescribe the powers and duties of certain state entities and local governmental units; and to provide for the disposition of personal and real property.

Substitute (H-3).

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

Senator Schuette offered the following amendments to the substitute:

1. Amend page 4, following line 11, by striking out all of subdivision (h).
2. Amend page 5, line 10, after “than” by striking out “90%” and inserting “100% or less than 80%”.
3. Amend page 6, line 13, after “and” by inserting a comma and “as long as the yearly costs do not exceed 40% of the yearly rental receipts.”.

The amendments to the substitute were adopted.

Senator Jaye offered the following amendment to the substitute:

1. Amend page 4, following line 11, following subdivision (h) by inserting:

“(i) That all occupants of the premises meet the criteria of subdivision (b) and subdivision (e).”

The amendment to the substitute was not 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. 365

Yeas—36

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

Nays—1

Jaye

Excused—0

Not Voting—1

Steil

In The Chair: Schwarz

Senator Rogers moved that Senator Steil be 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.

Senate Bill No. 344, entitled

A bill to create an urban homestead program for single-family public housing; to provide that certain local governmental units, public housing entities, nonprofit community organizations, and certain state entities create and administer urban homestead programs for single-family public housing; to prescribe the powers and duties of certain

state and local governmental units, public housing entities, and nonprofit community organizations; and to provide for the disposition of personal and real property.

Substitute (H-3).

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

Senator Schuette offered the following amendment to the substitute:

1. Amend page 5, following line 7, by striking out all of subdivision (h).

The amendment to the substitute was adopted.

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

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

Roll Call No. 366

Yeas—36

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

Nays—1

Jaye

Excused—1

Steil

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 346, entitled

A bill to create an urban homestead program for certain vacant land; to empower certain local governmental units to create and administer urban homestead programs for vacant land; to prescribe the powers and duties of certain state and local governmental units; and to provide for the disposition of personal and real property.

Substitute (H-1).

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

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

Roll Call No. 367

Yeas—37

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

DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hoffman
Jaye
Johnson
Koivisto

North
Peters
Rogers
Schuette

Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—1

Steil

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 not concurred in, 2/3 of the members serving not voting therefor. Senator Rogers 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. 488, entitled

A bill to provide for the identification, inspection, and certification of abandoned property; to prescribe certain duties for certain local units of government and county treasurers; to provide for certain administration and collection fees; and to facilitate the return of abandoned tax delinquent property to productive use.

Substitute (H-2).

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. 368

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette

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

Nays—1

Jaye

Excused—1

Steil

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 489, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding sections 79, 79a, and 79b.

Substitute (H-3).

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

Substitute (S-3).

The substitute to the substitute was adopted.

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

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

Roll Call No. 369

Yeas—37

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

Nays—0

Excused—1

Steil

Not Voting—0

In The Chair: Schwarz

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

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

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding sections 79 and 79a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senate Bill No. 507, entitled

A bill to allow local units of government to obtain clear title to property previously acquired through the tax reversion process; to provide due process to those persons with a prior recorded interest in that property; to allow local units of government to reduce the backlog of tax reverted property; and to facilitate the return of tax reverted property to productive use.

Substitute (H-2).

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. 370**Yeas—36**

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

Nays—1

Jaye

Excused—1

Steil

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 347, entitled

A bill to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies," by amending section 44b (MCL 125.694b).

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. 348, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 22 (MCL 125.1422), as amended by 1998 PA 33.

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. 543, entitled

A bill to repeal 1953 PA 140, entitled "An act to increase the efficiency of the military establishment; and to repeal certain acts and parts of acts," (MCL 32.261 to 32.262).

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. 573, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4, 5, 6, 37c, 37d, and 49 (MCL 208.4, 208.5, 208.6, 208.37c, 208.37d, and 208.49), section 4 as amended by 1995 PA 285, section 5 as amended by 1987 PA 253, and sections 37c and 37d as amended by 1996 PA 470, and by adding section 19.

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 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," by amending sections 37c and 37d (MCL 208.37c and 208.37d), as amended by 1996 PA 470.

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

By unanimous consent the Senate returned to the order of

Conference Reports

House Bill No. 4298, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

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

House Bill No. 4298, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

Recommends:

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

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

"PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for community colleges and certain other state purposes relating to education for the fiscal year ending September 30, 2000, from the funds indicated in this part. The following is a summary of the appropriations in this part:

COMMUNITY COLLEGES

GROSS APPROPRIATION	\$	297,228,019
Total interdepartmental grants and intradepartmental transfers	\$	0
ADJUSTED GROSS APPROPRIATION.....	\$	297,228,019
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total local and private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	297,228,019
TOTAL PAYMENTS TO LOCALS	\$	297,228,019

Sec. 102. OPERATIONS

Alpena Community College	\$	4,888,284
Bay de Noc Community College		4,632,634
Delta College		13,833,091
Glen Oaks Community College.....		2,202,658
Gogebic Community College		4,133,732
Grand Rapids Community College.....		17,825,016
Henry Ford Community College		20,840,833
Jackson Community College.....		11,976,753
Kalamazoo Valley Community College.....		11,379,143
Kellogg Community College.....		9,107,407
Kirtland Community College		2,921,692
Lake Michigan College		4,891,111
Lansing Community College.....		29,830,816
Macomb Community College.....		32,525,228
Mid Michigan Community College.....		4,121,108
Monroe County Community College.....		4,008,744
Montcalm Community College		3,035,945
C.S. Mott Community College		15,239,321
Muskegon Community College		8,672,227
North Central Michigan College		2,925,285
Northwestern Michigan College.....		8,641,489
Oakland Community College		20,747,107
St. Clair County Community College.....		6,804,650
Schoolcraft College.....		11,786,439
Southwestern Michigan College.....		6,028,283
Washtenaw Community College.....		11,563,090
Wayne County Community College		16,476,511
West Shore Community College.....		2,236,399
GROSS APPROPRIATION	\$	<u>293,274,995</u>

Appropriated from:

State general fund/general purpose	\$	293,274,995
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Sec. 103. GRANTS

At-risk student success program.....	\$	3,584,566
Renaissance zone tax reimbursement funding		<u>368,458</u>
GROSS APPROPRIATION	\$	<u>3,953,024</u>

Appropriated from:

State general fund/general purpose	\$	3,953,024".
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2. Amend page 4, line 2, after "APPROPRIATIONS" by striking out the balance of the line.

3. Amend page 4, line 4, after "Sec. 201." by striking out all of subsection (1) and inserting "(1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1999-2000 is estimated at \$297,228,019.00 in this bill and state spending from state sources paid to local units of government for fiscal year 1999-2000 is estimated at \$297,228,019.00."

4. Amend page 9, following line 14, by inserting:

"Sec. 211. (1) The department of treasury shall annually collect and compile as part of the ACS report the tax revenue losses to community colleges resulting from TIFAs and tax abatements. The department of treasury shall submit the data as described in this section to the department of education not later than November 1, 1999 for the previous fiscal year.

(2) The department of treasury shall conduct a study of revenue losses due to tax increment financing authorities and tax abatements. The department of treasury shall produce a report detailing the findings of the study. The report shall be completed and presented to the house and senate appropriations subcommittees on community colleges no later than January 7, 2000. The report shall include, but not be limited to, the following:

(a) Confirmed revenue losses for each community college for each of the previous 3 years.

(b) Projections of revenue losses for each community college for the fiscal years ending September 30, 1999, September 30, 2000, and September 30, 2001.

(c) Analysis of other states' attempts at mitigating or compensating community colleges for tax abatement and tax increment financing authority revenue losses.

(d) Any other requirements requested by the house and senate appropriations subcommittees on community colleges.

Sec. 211a. The auditor general shall audit the 1995-1996, 1996-1997, 1997-1998, 1998-1999, and 1999-2000 fiscal years tax revenue losses to community colleges resulting from tax increment financing authorities and tax abatements. The auditor general shall submit the results of this audit to the senate and house appropriations subcommittees on community colleges and the senate and house fiscal agencies by February 18, 2000. It is the intent of the legislature to fully reimburse community colleges for tax revenue losses resulting from tax increment financing authorities and tax abatements.”.

5. Amend page 13, line 21, by striking out all of sections 229 and 230 and inserting:

“Sec. 229. The department of education shall implement a pilot program that places reports required by this act on the Internet, with electronic notification to legislative offices of Internet access to the reports. During fiscal year 2000, the department of education shall continue to distribute all of these reports to the legislature in the current printed format.

Sec. 230. The department of education shall receive and retain copies of all reports funded from appropriations in part 1. The department of education shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 231. (1) It is the intent of the legislature that any community college receiving funds under part 1 that adopts a tuition and fee increase for the 1999-2000 academic year of 3.0% or less shall retain in its base for calculation of its appropriation for the fiscal year ending September 30, 2001 an amount equal to 1.5% of its base appropriations for the fiscal year ending September 30, 2000.

(2) It is further the intent of the legislature that any community college receiving funds under part 1 that adopts a tuition and fee increase for the 1999-2000 academic year of more than 3.0% shall have its base calculation of its appropriation for the fiscal year ending September 30, 2001 reduced by an amount equal to 1.5% of its base appropriations for the fiscal year ending September 30, 2000.

Sec. 232. For the 1999-2000 academic year, tuition and fees for courses offered through the Michigan community college virtual learning collaborative pilot program are exempt from section 231. It is the intent of the legislature to study the extent to which colleges that have a tuition and fee rate below the state average are treated favorably under the Gast-Mathieu funding formula.”.

6. Amend page 18, following line 3, by inserting:

“Sec. 404. (1) Community colleges shall use a portion of the funds appropriated in part 1 for operations to implement and institute the ideas and goals embodied by the partnerships for employment program or another program with similar nature and intent as the ideas and goals embodied in the partnership for employment program. For this program, community colleges shall form identifiable links with local businesses or local business alliances to ascertain the immediate and lasting employment needs of the community. In so doing, the colleges in conjunction with the businesses shall create specific, direct certificate programs that upon completion will lead to an increased likelihood of employment by the sponsoring businesses.

(2) When creating programs under subsection (1), the community colleges shall consider the following:

(a) The likelihood of the project directly providing a discrete population of unemployed or underemployed workers with job skills that will lead to increased likelihood of desired employment with the sponsoring businesses.

(b) The use of appropriations to efficiently coordinate existing but largely unconnected resources for worker training.

(c) The use of performance outcome measures to detail a correlation between partnering with local businesses to provide specific training, and the population attaining employment upon successful completion of such training.

(3) Each community college shall report to the department of education by no later than September 30, 1999 on all of the following:

(a) The number of certificated programs created under this section.

(b) The job placement rate for graduates with sponsoring businesses under this section.

(c) The amount budgeted for the partnership for employment program.

(d) The amount expended and for what activities for the partnership for employment program.

(e) The number of employers who have agreed to hire participants who complete the partnership for employment program.

(4) The department of education shall compile the information received under subsection (3) and shall submit this compilation to the senate and house appropriations subcommittees on community colleges and the senate and house fiscal agencies by November 1, 1999.”.

7. Amend page 18, line 16, after “to” by inserting “bureau of apprenticeship training”.

8. Amend page 18, following line 20, by striking out all of part 2A and inserting:

“Sec. 407. It is the intent of the legislature that each community college do all of the following:

(a) Undertake active measures to promote equal opportunities, eliminate discrimination, and foster a diverse student body and administration among all people including but not limited to women, minorities, seniors, veterans, and people with disabilities.

(b) Review, analyze, and eradicate activities that may tend to discriminate.”.

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

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Tony Stamas
Patricia Godchaux
Steve Pestka
Conferees for the House

Harry Gast
Mike Goschka
Jackie Vaughn III
Conferees for the Senate

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

House Bill No. 4302, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

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

House Bill No. 4302, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Recommends:

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

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

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal years ending September 30, 1999 and September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

HIGHER EDUCATION

APPROPRIATION SUMMARY:

Full-time equated classified positions	1.0	
GROSS APPROPRIATION		\$ 1,774,909,308
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION		\$ 1,774,909,308
Federal revenues:		
Total federal revenues		3,900,000

	For Fiscal Year Ending Sept. 30, 2000
Special revenue funds:	
Total local revenues	\$ 0
Total private revenues	0
Total other state restricted revenues	91,550,000
State general fund/general purpose	\$ 1,679,459,308
Sec. 102. CENTRAL MICHIGAN UNIVERSITY	
Operations.....	\$ 80,478,312
GROSS APPROPRIATION	\$ 80,478,312
Appropriated from:	
State general fund/general purpose	\$ 80,478,312
Sec. 103. EASTERN MICHIGAN UNIVERSITY	
Operations.....	\$ 81,903,067
GROSS APPROPRIATION	\$ 81,903,067
Appropriated from:	
State general fund/general purpose	\$ 81,903,067
Sec. 104. FERRIS STATE UNIVERSITY	
Operations.....	\$ 52,110,400
GROSS APPROPRIATION	\$ 52,110,400
Appropriated from:	
State general fund/general purpose	\$ 52,110,400
Sec. 105. GRAND VALLEY STATE UNIVERSITY	
Operations.....	\$ 53,715,559
GROSS APPROPRIATION	\$ 53,715,559
Appropriated from:	
State general fund/general purpose	\$ 53,715,559
Sec. 106. LAKE SUPERIOR STATE UNIVERSITY	
Operations.....	\$ 13,392,280
GROSS APPROPRIATION	\$ 13,392,280
Appropriated from:	
State general fund/general purpose	\$ 13,392,280
Sec. 107. MICHIGAN STATE UNIVERSITY	
Operations.....	\$ 303,576,465
Kinship care program.....	250,000
GROSS APPROPRIATION	\$ 303,826,465
Appropriated from:	
State general fund/general purpose	\$ 303,826,465
Sec. 108. MICHIGAN TECHNOLOGICAL UNIVERSITY	
Operations.....	\$ 51,848,777
GROSS APPROPRIATION	\$ 51,848,777
Appropriated from:	
State general fund/general purpose	\$ 51,848,777
Sec. 109. NORTHERN MICHIGAN UNIVERSITY	
Operations.....	\$ 48,818,439
GROSS APPROPRIATION	\$ 48,818,439
Appropriated from:	
State general fund/general purpose	\$ 48,818,439
Sec. 110. OAKLAND UNIVERSITY	
Operations.....	\$ 47,212,698
GROSS APPROPRIATION	\$ 47,212,698
Appropriated from:	
State general fund/general purpose	\$ 47,212,698
Sec. 111. SAGINAW VALLEY STATE UNIVERSITY	
Operations.....	\$ 24,955,312
GROSS APPROPRIATION	\$ 24,955,312
Appropriated from:	
State general fund/general purpose	\$ 24,955,312

For Fiscal Year
Ending Sept. 30,
2000

Sec. 112. UNIVERSITY OF MICHIGAN-ANN ARBOR	
Operations.....	\$ 338,861,239
GROSS APPROPRIATION	\$ 338,861,239
Appropriated from:	
State general fund/general purpose	\$ 338,861,239
Sec. 113. UNIVERSITY OF MICHIGAN-DEARBORN	
Operations.....	\$ 25,777,192
GROSS APPROPRIATION	\$ 25,777,192
Appropriated from:	
State general fund/general purpose	\$ 25,777,192
Sec. 114. UNIVERSITY OF MICHIGAN-FLINT	
Operations.....	\$ 22,175,509
GROSS APPROPRIATION	\$ 22,175,509
Appropriated from:	
State general fund/general purpose	\$ 22,175,509
Sec. 115. WAYNE STATE UNIVERSITY	
Operations.....	\$ 238,066,723
GROSS APPROPRIATION	\$ 238,066,723
Appropriated from:	
State general fund/general purpose	\$ 238,066,723
Sec. 116. WESTERN MICHIGAN UNIVERSITY	
Operations.....	\$ 116,517,837
GROSS APPROPRIATION	\$ 116,517,837
Appropriated from:	
State general fund/general purpose	\$ 116,517,837
Sec. 117. STATE AND REGIONAL PROGRAMS	
Full-time equated positions	1.0
Agricultural experiment station	\$ 31,647,154
Cooperative extension service	27,092,562
Michigan molecular institute.....	222,310
Japan center for Michigan universities	397,210
Higher education database modernization and conversion—1.0 FTE positions	275,000
Midwestern higher education compact	75,000
GROSS APPROPRIATION	\$ 59,709,236
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 59,709,236
Sec. 118. MARTIN LUTHER KING, JR.-CESAR CHAVEZ-ROSA PARKS PROGRAM	
Select student supportive services	\$ 2,039,950
Michigan college/university partnership program.....	611,985
Morris Hood, Jr. educator development program	154,950
GROSS APPROPRIATION	\$ 2,806,885
Appropriated from:	
State general fund/general purpose	\$ 2,806,885
Sec. 119. GRANTS AND FINANCIAL AID	
State competitive scholarships	\$ 33,398,513
Tuition grants.....	61,072,064
Michigan work study program	7,541,388
Part-time independent student program.....	2,731,203
Grant for Michigan resident dental graduates.....	4,753,246
Grant for general degree graduates	7,061,912
Grant for allied health graduates	879,721
Michigan education opportunity grants	2,145,331
Robert C. Byrd honors scholarship program	1,600,000
Michigan merit award program	86,300,000
Tuition incentive program	5,250,000
GROSS APPROPRIATION	\$ 212,733,378

Appropriated from:	
Federal revenues:.....	\$
Higher education act of 1965, title IV, 20 U.S.C.....	2,300,000
Higher education act of 1965, title IV, part A	1,600,000
Special revenue funds:.....	
Michigan merit award trust fund	91,550,000
State general fund/general purpose	\$ 117,283,378

PART 1A

LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 1998-99

Sec. 121. SUMMARY

The amounts listed in this part are appropriated for the state institutions of higher education and certain state purposes related to education, subject to the conditions set forth in this act, for the fiscal year ending September 30, 1999, from the funds identified in this part. The following is a summary of the appropriations in this part:

APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$	300,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	300,000
Federal revenues:		
Total federal revenues		0
Special revenue funds:		
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	300,000

Sec. 122. INFRASTRUCTURE, TECHNOLOGY, EQUIPMENT, AND MAINTENANCE

Infrastructure, technology, equipment, and maintenance	\$	300,000
GROSS APPROPRIATION	\$	300,000
Appropriated from:		
State general fund/general purpose	\$	300,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources in part 1 of this appropriation act is \$1,771,009,308.00. Of the state spending from state resources in part 1 for campus based and other financial aid programs, it is estimated that \$4,566,584.00 are local spending pursuant to section 30 of article IX of the state constitution of 1963. The distribution is as follows:

		For Fiscal Year Ending Sept. 30, 2000
GRANTS AND FINANCIAL AID		
Part-time independent student program.....	\$	1,346,354
Michigan education opportunity grant.....		1,107,784
Michigan work-study		2,112,446
TOTAL.....	\$	4,566,584

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

Sec. 202. (1) The funds appropriated in part 1 to state institutions of higher education shall be paid out of the state treasury and distributed by the state treasurer to the respective institutions in 11 equal monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 1999. Except for Wayne State University, each institution shall accrue its July and August 2000 payments to its institutional fiscal year ending June 30, 2000.

(2) The amount distributed to an institution shall not exceed the net appropriations plus additional distributions specifically authorized by this act.

(3) All universities shall submit higher education institutional data inventory (HEIDI) data and associated financial and program information requested by and in a manner prescribed by the state budget director. For universities with fiscal years ending June 30, 1999, these data shall be submitted to the department of management and budget by October 15, 1999. Universities with a fiscal year ending September 30, 1999 shall submit preliminary HEIDI data by November 15, 1999 and final data by December 15, 1999.

(4) A detailed description of procedures utilized to arrive at the amounts appropriated in part 1 shall be submitted to each institution by the senate and house fiscal agencies.

Sec. 203. Funds received by the state from the federal government or private sources for the use of a college or university is appropriated for the purpose for which it was provided. The acceptance and use of federal or private funds does not place an obligation upon the legislature to continue the purposes for which the funds are made available.

Sec. 204. The expenditures and funding sources authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 205. A state institution of higher education that receives funds under this act shall furnish all program and financial information that is required by and in a manner prescribed by the state budget director or the house or senate appropriations committee.

Sec. 206. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services if competitively priced American goods or services of comparable quality are available. Not later than May 1, 2000, each university shall have available upon request information on efforts to comply with this section.

Sec. 207. If a state institution of higher education that receives funds under this act notifies the department of treasury regarding its tuition and fee rates in order to qualify as an eligible institution for the Michigan tuition tax credit under section 274 of the income tax act of 1967, 1967 PA 281, MCL 206.274, the institution shall also submit the notification and applicable documentation of tuition and fee changes to the house and senate fiscal agencies.

Sec. 208. All funds received under part 1 for the charter schools development and performance institute are intended to be expended on activities of that institute.

Sec. 210. It is the intent of the legislature that each public university increase its need-based student financial aid for resident undergraduates by at least the percentage increase in its resident undergraduate tuition and fee increase for the 1999-2000 academic year.

GRANTS AND FINANCIAL AID

Sec. 301. (1) Payments of the amounts included in section 119 for the state competitive scholarship program shall be distributed pursuant to 1964 PA 208, MCL 390.971 to 390.981.

(2) The Michigan higher education assistance authority shall implement a proportional competitive scholarship maximum award level for recipients enrolled less than full-time in a given semester or term.

(3) If a student who receives an award under this section has his or her tuition and fees paid under the Michigan educational trust program, pursuant to the Michigan education trust act, 1986 PA 316, MCL 390.1421 to 390.1444, and still has financial need, the funds awarded under this section may be used for educational expenses other than tuition and fees.

(4) If the Michigan higher education assistance authority increases the maximum award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the maximum grant shall be proportional for all eligible students receiving awards.

Sec. 302. (1) The amounts appropriated in section 119 for the state tuition grant program shall be distributed pursuant to 1966 PA 313, MCL 390.991 to 390.997a.

(2) Tuition grant awards shall be made to all eligible Michigan residents who apply before September 1, 1999 and who are qualified. Tuition grant awards shall not be made to students newly enrolled in a juris doctor law degree program after the 1995-96 academic year.

(3) The Michigan higher education assistance authority shall determine an actual maximum tuition grant award per student that ensures that the aggregate payments for the tuition grant program do not exceed the appropriation contained in section 119 for the state tuition grant program. By October 15, 1999, and again by December 15, 1999, the authority shall analyze the status of award commitments, shall make any necessary adjustments, and shall confirm that those award commitments will not exceed the appropriation contained in section 119 for the tuition grant program. The determination and actions shall be reported to the state budget director and the house and senate fiscal agencies no later than December 15, 1999. If award adjustments are necessary, the students shall be notified of the adjustment by the third Monday in January.

(4) Any unexpended and unencumbered funds remaining on September 30, 2000 from the amounts appropriated in section 119 for the tuition grant program shall not lapse on September 30, 2000, but shall continue to be available for expenditure for tuition grants provided in the 2000-2001 fiscal year. The use of these unexpended fiscal year 1999-2000 funds shall terminate at the end of the 2000-2001 fiscal year.

(5) The Michigan higher education assistance authority shall continue a proportional tuition grant maximum award level for recipients enrolled less than full-time in a given semester or term.

(6) If the Michigan higher education assistance authority increases the maximum award per eligible student from that provided in the previous fiscal year, it shall not have the effect of reducing the number of eligible students receiving awards in relation to the total number of eligible applicants. Any increase in the maximum grant shall be proportional for all eligible students receiving awards.

Sec. 303. (1) Included in the appropriation in section 119 is funding for the Michigan work-study program established under 1986 PA 288, MCL 390.1371 to 390.1382, and 1986 PA 303, MCL 390.1321 to 390.1332. An effort should be made by each institution participating in the Michigan work-study program to assure that not less than 10% of those undergraduate, graduate, and professional students eligible to participate in the program are placed with for-profit employers no later than December 31 of each year for which funding is provided under this act.

(2) The Michigan higher education assistance authority shall allocate funds to institutions eligible for work-study money based upon each institution's specific Pell grant index and each institution's utilization rate of work-study funds for the 3 most recent years for which statistics are available.

(3) The Michigan higher education assistance authority shall set aside not more than 5% of the total work-study appropriation to process requests from participating institutions for allocation adjustments. Allocation adjustments shall be based on criteria set by the authority prior to making the allocations under subsection (2).

Sec. 304. (1) Payments of the amounts included in section 119 for the general degree reimbursement program established under 1974 PA 75, MCL 390.1021 to 390.1027, shall be made for all degrees identified in section 1(1) of 1974 PA 75, MCL 390.1021, except doctor of dental surgery, doctor of dental medicine, juris doctor law, and allied health degrees.

(2) The reimbursement rate per eligible degree shall be the equally prorated amount permitted by the appropriation, except that the amount of the reimbursement for each associate degree shall be 1/2 of the rate of reimbursement for the other degrees eligible under subsection (1) for the general degree reimbursement program.

(3) From the general degree reimbursement program, \$135,300.00 shall be provided to Spring Arbor College for the southern Michigan state prison program.

(4) From the general degree reimbursement program, \$200,500.00 shall be provided to the University of Detroit - Mercy for graduate research aid.

(5) From the general degree reimbursement program, \$30,100.00 shall be provided to Marygrove College for learning clinics.

(6) From the general degree reimbursement program, \$50,000.00 shall be provided to Suomi College for career education programs.

(7) It is the intent of the legislature that a portion, not to exceed \$1,600,000.00, allocated under section 119 for the general degree reimbursement program for the fiscal year ending on September 30, 2000 be included in the base for calculation of the section 119 appropriation for the tuition grant program for the 2000-2001 academic year. The amount transferred to the tuition grant program shall be equal to the amount received by independent colleges and universities that adopted a resident undergraduate tuition and fee increase of more than 3% in the 1999-2000 academic year. The general degree reimbursement base for the 2000-2001 fiscal year shall be reduced by an identical amount.

Sec. 305. The reimbursement rate per eligible degree under the allied health degree reimbursement program established under 1974 PA 75, MCL 390.1021 to 390.1027, shall be the equally prorated amount permitted by the appropriation included in section 119.

Sec. 306. Funds disbursed through the degree reimbursement programs shall not be used by any recipient institution for theology or divinity programs.

Sec. 307. The auditor general shall audit selected enrollments, degrees, and awards at selected independent colleges and universities receiving awards administered by the department of treasury. The audits shall be based upon definitions and requirements established by the Michigan higher education assistance authority, the state budget director, and the senate and house fiscal agencies. The auditor general shall accept the Free Application for Federal Student Aid (FAFSA) form as the standard of residency documentation. The auditor general shall submit a report of findings to the senate and house appropriations committees not later than May 1, 2000.

Sec. 308. The sums appropriated in section 119 for the student financial aid and degree reimbursement programs shall be paid out of the state treasury and shall be distributed to the respective institutions under a quarterly payment system as follows:

(a) For the state competitive scholarship, tuition incentive, and tuition grant programs, 40% shall be paid at the beginning of the state's first fiscal quarter, 40% at the beginning of the state's second fiscal quarter, 10% at the beginning of the state's third fiscal quarter, and 10% at the beginning of the state's fourth fiscal quarter.

(b) For the work-study program, payments shall be made in 11 monthly installments from October 1 to August 31 of any year.

(c) For the part-time independent student program and Michigan education opportunity grant program, 50% shall be paid at the beginning of the state's first fiscal quarter, 25% at the beginning of the state's second fiscal quarter, and 25% at the beginning of the state's third fiscal quarter.

(d) For the general degree reimbursement program, allied health degree reimbursement program, Michigan resident dental grant program, and Robert C. Byrd honors scholarship program, 50% shall be paid at the beginning of the state's first fiscal quarter and 50% at the beginning of the state's second fiscal quarter after the number of earned degrees conferred and total amounts to be paid are certified.

Sec. 309. The Michigan higher education assistance authority shall determine the needs analysis criteria for students to qualify for the competitive scholarship program and tuition grant program. To be consistent with federal requirements, student wages may be taken into consideration when determining the amount of the award.

Sec. 310. (1) The funds appropriated in section 119 for the tuition incentive program/high school completion program shall be distributed as provided in this section and pursuant to the administrative procedures for the tuition incentive program/high school completion program of the family independence agency.

(2) As used in this section:

(a) "Phase I" means the first part of the tuition incentive assistance program defined as the academic period of 80 semester or 120 term credits, or less, leading to an associate degree or certificate.

(b) "Phase II" means the second part of the tuition incentive assistance program which provides assistance in the third and fourth year of 4-year degree programs.

(c) "Department" means the family independence agency.

(3) A person shall meet the following basic criteria and financial thresholds to be eligible for tuition incentive benefits:

(a) To be eligible for phase I, a person shall meet all of the following criteria:

(i) Apply for certification to the department before graduating from high school or completing the general education development (GED) certificate.

(ii) Be less than 20 years of age at the time of high school graduation or GED completion.

(iii) Be a United States citizen and a resident of Michigan according to institutional criteria.

(iv) Be at least a half-time student, earning less than 80 semester or 120 term credits at a participating educational institution within 4 years of high school graduation or GED certificate completion.

(b) To be eligible for phase II, a person shall meet either of the following criteria in addition to the criteria in subdivision (a):

(i) Complete at least 56 transferable semester or 84 transferable term credits.

(ii) Obtain an associate degree or certificate at a participating institution.

(c) To be eligible for phase I or phase II, a person must be financially eligible as determined by the department. A person is financially eligible for the tuition incentive program if that person was Medicaid eligible for 24 months within the 36 months before application. Certification of eligibility may begin in the sixth grade and continue until the time of enrollment in a participating institution.

(4) For phase I, the department shall provide payment on behalf of a person eligible under subsection (3). The department shall reject billings that are excessive or outside the guidelines for the type of educational institution.

(5) For phase I, all of the following apply:

(a) Payments for associate degree or certificate programs shall not be made for more than 80 semester or 120 term credits for any individual student at any participating institution.

(b) For persons enrolled at a Michigan community college, the department shall pay the current in-district tuition and mandatory fees. For persons residing in an area that is not included in any community college district, the out-of-district tuition rate may be authorized.

(c) For persons enrolled at a Michigan public university, the department shall pay lower level resident tuition and mandatory fees for the current year.

(d) For persons enrolled at a Michigan independent, nonprofit degree granting college or university, or a Michigan federal tribally controlled community college, or Focus: HOPE, the department shall pay mandatory fees for the current year and a per credit payment that does not exceed the average community college in-district per credit tuition rate as reported on August 1, for the immediately preceding academic year.

(6) A person participating in phase II may be eligible for additional funds not to exceed \$500.00 per semester or \$400.00 per term up to a maximum of \$2,000.00 subject to the following conditions:

(a) Credits are earned in a 4-year program at a Michigan degree granting 4-year college or university.

(b) The tuition reimbursement is for coursework completed within 30 months of completion of the phase I requirements.

(7) Program payments shall not be used by any recipient for theology or divinity courses.

(8) The department shall work closely with participating institutions to develop an application and eligibility determination process that will provide the highest level of participation and ensure that all requirements of the program are met.

(9) Applications for the tuition incentive program may be approved at any time after the student begins the sixth grade. If a determination of financial eligibility is made, that determination is valid as long as the student meets all other program requirements and conditions.

(10) Each institution shall ensure that all known available restricted grants for tuition and fees are used prior to billing the tuition incentive program for any portion of a student's tuition and fees.

(11) The department shall ensure that the tuition incentive program is well publicized and that potentially eligible Medicaid clients are provided information on the program. The department shall provide the necessary funding and staff to fully operate the program.

(12) When statutory provisions are enacted to provide for a tuition incentive program/high school completion program, the provisions of this section are superseded.

(13) Any unexpended and unencumbered funds remaining on September 30, 2000 from the amounts appropriated in section 119 for the tuition incentive program shall not lapse on September 30, 2000, but shall continue to be available for expenditure for the tuition incentive program in the fiscal year ending September 30, 2001.

(14) If the funds appropriated in section 119 from the Michigan merit award trust fund are not available by June 30, 2000, a sum sufficient to fund the tuition incentive program shall be appropriated from the general fund.

Sec. 311. To enable the legislature to evaluate the appropriation needs of higher education, each independent college and university shall make available to the legislature, upon request, data regarding grants for the preceding, current, and ensuing fiscal years.

Sec. 313. (1) Included in section 119 is \$86,300,000.00 appropriated from the Michigan merit award trust fund to fund the Michigan merit award program pursuant to guidelines established by the Michigan merit award commission.

(2) The Michigan merit award commission shall provide by February 15, 2000 a progress report on its implementation of the Michigan merit award program to the state budget director, house and senate fiscal agencies, and members of the house and senate appropriations subcommittees on higher education. The report shall include all of the following information:

(a) The tests or assessments that will be used to determine eligibility for merit awards.

(b) Estimates of expenditures for and the number of merit awards to be made in the immediately succeeding academic year.

(c) The Michigan merit award shall not be considered when determining eligibility for other state financial aid.

(3) When statutory provisions are enacted to provide for a Michigan merit award trust fund act, the provisions of subsection (2) are superseded.

STATE UNIVERSITIES

Sec. 401. (1) Included in section 115 is \$5,965,660.00 to Wayne State University for the Joseph F. Young, Sr. psychiatric research and training program. Wayne State University shall use these funds for psychiatric laboratory and clinical research, training, and treatment services. Within the available appropriation, services shall not be denied to any patient who meets established research guidelines for treatment on the basis of personal financial circumstances, age, geographic residence, or projected/actual length of treatment as medically warranted.

(2) Wayne State University shall report the following information to the department of community health by November 1, 2000:

(a) The number and type of psychiatric research projects funded by the appropriation described in subsection (1).

(b) The number and type of students trained and the location of training funded by the appropriation.

(c) Demographic data regarding the number and profile of patients to receive psychiatric services funded by the appropriation and a profile of the services provided.

(d) A summary budget outlining major expenditure categories and any first- and third-party reimbursements.

(3) Copies of these reports shall also be provided to the house and senate fiscal agencies and the state budget director.

Sec. 402. The University of Michigan biological station at Douglas Lake in Cheboygan County is regarded as a unique resource and is designated as a special research reserve. It is the intent of the legislature to protect and preserve the unique long-term research value and capabilities of the biological station area and Douglas Lake. The legislature further intends that no state programs or policies be developed that would have a deleterious impact on the research value of Douglas Lake.

Sec. 403. (1) It is the intent of the legislature that any public university receiving funds under part 1 of this act that adopts a resident undergraduate tuition and fee increase for the 1999-2000 academic year of 3% or less shall retain in its base for calculation of its appropriation for the fiscal year ending September 30, 2001 an amount equal to 1.5% of its base appropriations for the fiscal year ending September 30, 2000.

(2) It is the further intent of the legislature that any public university receiving funds under part 1 of this act that adopts a resident undergraduate tuition and fee increase for the 1999-2000 academic year of more than 3% shall have its base for calculation of its appropriation for the fiscal year ending September 30, 2001 reduced by an amount equal to 1.5% of its base appropriations for the fiscal year ending September 30, 2000.

(3) An amount equal to the reductions to base calculations of universities for the fiscal year ending September 30, 2001, as determined under subsection (2), shall be added to the base for calculating the 2000-2001 fiscal year appropriations of those universities adopting a resident undergraduate tuition and fee increase of 3% or less for the 1999-2000 academic year. The funds added to the base for calculating the fiscal year 2000-2001 appropriations of the eligible universities under this subsection shall be allocated on a per-fiscal-year equated student basis to the state universities that have not achieved their per-student floor specified in section 409.

Sec. 404. It is the intent of the legislature that no funds, other than tuition and other revenues from law school students or private funds explicitly directed to the Detroit College of Law - Michigan State University law alliance, shall be used either directly or indirectly to support the joint law school. The auditor general or a certified public accountant appointed by the auditor general shall audit the financial and accounting systems of the Detroit College of

Law - Michigan State University law alliance to determine compliance with this statement of legislative intent and report its findings to the state budget director, house and senate fiscal agencies, and members of the house and senate appropriations subcommittees on higher education.

Sec. 405. (1) There is created the higher education institutional data inventory advisory committee. The committee shall be appointed by the state budget director and shall consist of the following members:

- (a) One representative from the house fiscal agency.
- (b) One representative from the senate fiscal agency.
- (c) One representative from the state budget director's office.
- (d) Three representatives of the presidents council of state universities. The presidents council shall appoint 1 representative each from a masters, a doctoral, and a research university.

(2) The committee shall provide for the general scope and direction for implementing the conversion and modernization of the state's higher education databases, for which funding is provided in section 117.

(3) The committee shall prepare a plan for the conversion and modernization effort. The plan shall include, but is not limited to, all of the following:

- (a) The development of a data dictionary.
- (b) The integration of appropriate federal, national, regional, and state databases.
- (c) The assurance of the accuracy of the data.
- (4) The committee shall consider inclusion of data items that are currently reported under section 705.

Sec. 408. The legislature recognizes that the first and foremost obligation of the public universities is undergraduate instruction. The public universities are therefore encouraged to increase their commitment of tenured and tenure track faculty to undergraduate instruction.

Sec. 409. The amounts included in part 1 for public universities recognize 5 separate university groupings. Funding floors for the 5 groupings are established as follows:

- (a) Funding floor of \$4,500.00 per fiscal-year-equated student for Grand Valley State University, Lake Superior State University, Northern Michigan University, Saginaw Valley State University, and the University of Michigan-Flint.
- (b) Funding floor of \$4,600.00 per fiscal-year-equated student for Central Michigan University, Eastern Michigan University, and Ferris State University.
- (c) Funding floor of \$4,700.00 per fiscal-year-equated student for Oakland University and the University of Michigan-Dearborn.
- (d) Funding floor of \$5,700.00 per fiscal-year-equated student for Michigan Technological University and Western Michigan University.
- (e) Funding floor of \$9,000.00 per fiscal-year-equated student for Michigan State University, the University of Michigan-Ann Arbor, and Wayne State University.

Sec. 412. From the funds appropriated in part 1, each state university shall establish a system to track students that graduate from the university. The system shall minimally provide information on the students' field of study and year of graduation, whether they are employed or continuing their education, the field in which they are employed or their subsequent field of academic study, their job title, their salary, and their city, town, or other place of residence.

Sec. 418. No state funds shall be used by any state university to undertake a collaborative effort with any other university that would have the effect of increasing its enrollment of first-time professional law degree seeking students.

Sec. 421. Central Michigan University shall report by September 30, 2000 to the house and senate appropriations committees and the house and senate fiscal agencies information on the activities and effectiveness of the charter schools development and performance institute for which an appropriation is provided in section 102. Included in the report shall be an accounting of all revenues and expenditures of the institute, the names of the public school academies served, and the type of assistance provided to each public school academy.

Sec. 426. It is legislative intent that private bookstores that sell textbooks to university students and student governments that provide a book swap for university students have accurate and timely access to lists of universities' required textbooks in order to provide prompt and efficient service for students. It is further legislative intent that each state university allow students who are on financial aid or are receiving tuition grants to decide where to purchase their textbooks.

Sec. 427. The presidents council of state universities shall submit a report to the respective legislative subcommittees on higher education appropriations, the respective fiscal agencies, and the state budget director by February 1, 2000, regarding appropriate guidelines for a state university's provision of academic programs in areas of the state outside the university's immediate region.

Sec. 432. Included in section 117 is \$150,000.00 appropriated to the agricultural experiment station for a Michigan-Latvian economic development project. The project shall include the following components:

- (a) Michigan business development program.
- (b) Internships on Michigan farms and with Michigan agribusinesses for Latvian farmers, cooperative leaders, and agribusiness representatives.

- (c) Technical exchange and linkage programs.
- (d) Collaborative research programs.

MARTIN LUTHER KING, JR. - CESAR CHAVEZ - ROSA PARKS PROGRAMS

Sec. 501. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks future faculty program, that is intended to increase the pool of minority candidates pursuing faculty teaching careers in postsecondary education. Each university shall apply the percentage increase applicable to every university in the calculation of appropriations in part 1 to the amount of funds allocated to the future faculty program.

(2) The program shall be administered by each university in a manner prescribed by the King-Chavez-Parks initiative unit in the Michigan department of education.

Sec. 502. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college day program that is intended to introduce school children underrepresented in postsecondary education to the potential of a college education.

(2) Individual program plans of each university shall include a budget of equal contributions from this program, the participating public university, the participating school district, and the participating independent degree granting college. College day funds shall not be expended to cover indirect costs. Not more than 20% of the university match shall be attributable to indirect costs. Each university shall apply the percentage increase applicable to every university in the calculation of appropriations in part 1 to the amount of funds allocated to the college day program.

(3) The program shall be administered by each university in a manner prescribed by the King-Chavez-Parks initiative unit in the Michigan department of education.

Sec. 503. (1) Included in section 118 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks select student support services program for developing academically and economically disadvantaged student retention programs for 4-year public and independent educational institutions in this state.

(2) An award made under this program to any 1 institution shall not be greater than \$150,000.00, and the amount awarded shall be matched on a 70% state, 30% college or university basis.

(3) The program shall be administered by the King-Chavez-Parks initiative unit in the Michigan department of education.

Sec. 504. (1) Included in section 118 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks college/university partnership program between 4-year universities and public community colleges, which is intended to increase the number of underrepresented minority students who transfer from community colleges into baccalaureate programs.

(2) The grants shall be made under this program to Michigan public universities. An award to any 1 institution shall not be greater than \$150,000.00, and the amount awarded shall be matched on a 70% state, 30% university basis.

(3) The program shall be administered by the King-Chavez-Parks initiative unit in the Michigan department of education.

Sec. 505. (1) Included in the appropriation for each public university in part 1 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks visiting professors program which is intended to increase the number of minority instructors in the classroom and provide role models for underrepresented minority students.

(2) The program shall be administered by the King-Chavez-Parks initiative unit in the Michigan department of education.

Sec. 506. Each state institution of higher education receiving funds under section 503, 504, 505, or 507 shall notify the King-Chavez-Parks initiative unit in the Michigan department of education by April 15, 2000 as to whether it will expend by the end of its fiscal year the funds received under section 503, 504, 505, or 507. Notwithstanding the award limitations in sections 503 and 504, the amount of funding reported as not being expended will be reallocated to the institutions that intend to expend all funding received under section 503, 504, 505, or 507.

Sec. 507. (1) Included in the appropriation in section 118 is funding under the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks initiative for the Morris Hood, Jr. educator development program which is intended to increase the number of minority students, especially males, who enroll in and complete K-12 teacher education programs at the baccalaureate level.

(2) The program shall be administered by each state-approved teacher education institution in a manner prescribed by the King-Chavez-Parks initiative unit in the Michigan department of education.

(3) Approved teacher education institutions may and are encouraged to use student support services funding in coordination with the Morris Hood, Jr. funding to achieve the goals of the program.

UNIVERSITY SERVICE TO K-12 EDUCATION

Sec. 601. (1) From the amount appropriated in part 1 for state universities, the state universities shall systematically inform Michigan high schools regarding the academic status of students from each high school in a manner prescribed by the presidents council, state universities of Michigan in cooperation with the Michigan association of secondary school principals.

(2) The Michigan high schools shall systematically inform the state universities about the use of information received under this section in a manner prescribed by the Michigan association of secondary school principals in cooperation with the presidents council, state universities of Michigan.

(3) The Michigan association of secondary school principals in cooperation with the presidents council, state universities of Michigan shall provide a summary report to the house and senate fiscal agencies and the state budget director about the use of the student achievement information received by Michigan high schools under this section.

GENERAL REPORTS AND AUDITS

Sec. 701. (1) The auditor general shall audit enrollments at 5 randomly selected public universities. The audits shall be based upon the definitions and requirements established by the state budget director and the senate and house fiscal agencies. The audits shall be based on uniform reporting categories and shall include higher education institutional data inventory (HEIDI) data. The auditor general shall submit a report of findings to the house and senate appropriations committees and the state budget director no later than July 1, 2000.

(2) Student credit hours reports shall not include the following:

(a) Student credit hours generated through correspondence courses, credit by examination, or inmate prison programs regardless of teaching location.

(b) Student credit hours generated in new degree programs after January 1, 1975, that have not been specifically authorized for funding by the legislature, except spin-off programs converted from existing core programs that do all of the following:

(i) Represent new options, fields, or concentrations within existing programs.

(ii) Are consistent with the current institutional role and mission.

(iii) Are accommodated within the continuing funding base of the institution.

(iv) Do not require a new degree level beyond that which the institution is currently authorized to grant within that discipline or field.

(v) Do not require funding from the state other than that provided by the student credit hours generated within the program, either before program initiation or within the first 3 years of program operation.

(3) The auditor general shall periodically audit higher education institutional data inventory (HEIDI) data as submitted by the state universities for compliance with the definitions in the HEIDI data dictionary.

Sec. 701a. (1) Pursuant to section 701(2)(b), the following degree programs may be established:

(a) Bachelors

Central Michigan University	Health Administration Major, B.A./B.A.A./B.S.
Central Michigan University	Music Theater, B.F.S.
Ferris State University	Resort Management, B.S.
Northern Michigan University	Athletic Training Major, B.S.
Northern Michigan University	Mechanical Engineering Technology, B.S.
Northern Michigan University	Environmental Sciences, B.S.
Northern Michigan University	Diagnostic Genetics, B.S.

(b) Masters

Central Michigan University	Information Systems, M.S.
Grand Valley State University	Criminal Justice, M.S.
Northern Michigan University	Creative Writing, M.F.A.
University of Michigan-Dearborn	Accounting, M.S.
University of Michigan-Dearborn	Finance, M.S.
Wayne State University	Language Learning, M.A.
Western Michigan University	Teaching Children who are Visually Impaired and Orientation and Mobility for Children who are Visually Impaired, M.A.

(c) Doctorate

Michigan State University	Nursing, Ph.D.
Western Michigan University	Public Administration, Ph.D.

(2) The listing of degree programs in subsection (1) does not constitute legislative intent to provide additional dollars for those programs.

Sec. 702. The principal executive officer of each institution of higher education receiving an appropriation under this act shall expend a portion of the funds appropriated to that institution to make a report to the auditor general, the house and senate fiscal agencies, and the state budget director within 60 days after the auditor general issues his or her annual report on the operation of the institution. The institution's report shall specify all of the following:

(a) The recommendations of the auditor general implemented by the institution, including projected dates and resources required, if any, to achieve compliance.

(b) The recommendations of the auditor general not implemented by the institution or implemented by the institution as modified.

(c) The rationale for not implementing a recommendation of the auditor general or of implementing a recommendation as modified.

Sec. 704. (1) Each state university shall annually submit a report to the state budget director and house and senate fiscal agencies on specific programs to ensure the English language oral proficiency of teaching faculty.

(2) The next reporting date for the report under subsection (1) is November 1, 1999.

Sec. 705. (1) Each state university shall report the following information for the 1998-99 academic year to the house and senate fiscal agencies and the department of management and budget on or before October 31, 1999:

(a) Separately, the number of tenured faculty, tenure-track faculty, nontenure-track faculty, and graduate assistants who taught an undergraduate class section.

(b) The total number of undergraduate credit hours and section credits taught by each of the following:

(i) Tenured faculty.

(ii) Tenure-track faculty.

(iii) Nontenure-track faculty.

(iv) Graduate assistants.

(2) For the purposes of subsection (1), the following definitions apply:

(a) "Tenured faculty" means a faculty member who has earned tenure.

(b) "Tenure-track faculty" means a faculty member who has not yet earned tenure but is eligible to earn tenure.

(c) "Nontenure-track faculty" means a faculty member who is not eligible to earn tenure.

(d) "Graduate assistant" means an individual who is a master's or doctoral degree candidate.

(3) Each state university shall report the following information for the 1998-99 academic year to the house and senate fiscal agencies and the department of management and budget on or before October 31, 1999:

(a) Separately, the number of part-time and full-time faculty.

(b) Separately, the number of tenured and nontenured faculty.

(4) For the purposes of subsection (3), the following definitions apply:

(a) "Part-time faculty" means an individual who does not have a full-time appointment as a faculty member.

(b) "Full-time faculty" means an individual who has a full-time appointment as a faculty member.

(c) "Tenured faculty" means an individual who has earned tenure and who does not hold an administrative post.

(d) "Nontenured faculty" means an individual who has not earned tenure.

Sec. 708. The auditor general shall conduct not less than 3 performance audits of the state universities during the fiscal year ending September 30, 2000.

Sec. 709. (1) An institution receiving funds under this act and also subject to the student right-to-know and campus security act, Public Law 101-522, 104 Stat. 2381, shall furnish by September 1, 1999 to the Michigan department of education, a copy of all material prepared pursuant to the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2381.

(2) Each institution shall make this information available in electronic Internet format on their websites.

Sec. 710. The reports required by this act shall be placed on the Internet under a pilot program, with electronic notification to legislative offices of Internet access to the reports. During fiscal year 2000, reports required under this act shall continue to be distributed to the legislature in the current printed format.

PART 2A

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 1998-99

GENERAL SECTIONS

Sec. 2101. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources in part 1A of this appropriation act is \$300,000.00. There is no local spending pursuant to section 30 of article IX of the state constitution of 1963.

Sec. 2102. The funds appropriated in part 1A for infrastructure, technology, equipment, and maintenance shall be distributed as follows:

Northern Michigan University.....	\$	300,000
Total.....	\$	300,000

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

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal years ending September 30, 1999 and September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Sandra Caul
David Mead
Hubert Price, Jr.
Conferees for the House

John J.H. Schwarz
George A. McManus, Jr.
Conferees for the Senate

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

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

Senate Bill No. 357, entitled

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

(For Conference Report, see Senate Journal No. 53, p. 935.)

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

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

House Bill No. 4658, entitled

A bill to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate amendments as follows:

1. Amend Senate Amendment No. 7, page 7, line 2, after "AS PROVIDED IN THE" by striking out the balance of the amendment and inserting "EMERGENCY TELEPHONE DISTRICTS' FINAL 9-1-1 SERVICE PLANS."

The House of Representatives has concurred in the Senate amendments as amended and agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Bullard's statement is as follows:

I would like to thank the Michigan Chiropractic Association, the oldest established association since 1966 and the largest association representing chiropractors throughout the state of Michigan, for their wonderful hospitality on the Capitol lawn yesterday. This is the MCA's third annual Capitol Lawn Day, and the association has made great strides in working with the Michigan Legislature to protect and preserve the chiropractic profession in our great state.

I would like to commend Dr. Bill Bender, president of the MCA, for his leadership and vision for the future of chiropractors.

Senator Jaye's statement is as follows:

Mr. President and Senate colleagues, I wanted to remind folks that this weekend, starting on Friday, is Free Fishing Weekend. This is a time of the year that residents and tourists do not need a fishing license to fish in the Great Lakes, inland lakes or Michigan's rivers and other waterways.

One of the initiatives that my Hunting, Fishing and Forestry Committee will be considering this fall is a three-rod fishing limit. This would allow anglers a greater chance to catch a prize salmon, lake trout or tasty walleye. Increasing the rod limit to three per person while maintaining the daily fish take limits will improve the quality experience for fishermen and boost Michigan's economy. The three-rod initiative is a 1999 priority of the Michigan Steelhead and Fisherman's Association.

The Department of Natural Resources estimates that approximately 2.3 million Michigan residents and 300,000 tourists obtain fishing licenses a year. Fish are a tasty, renewable resource, and fishing licenses generate approximately \$21.1 million a year, with the proceeds of which fund DNR-run fish hatcheries. The DNR estimates that fishing generates approximately \$2 billion a year to Michigan's economy through jobs, lodging, restaurants, marinas and other businesses that cater to anglers.

The three-rod limit would make charter boat fishing more affordable and family friendly. More people would be willing to take their dad and children on charter boats, which easily can cost over \$450 a day, if there was a higher probability for success. Kids wouldn't get bored with fishing trips if there was more action that a three-rod limit would provide.

I also wanted to make a public notice this Saturday, June 12, from 9:00 a.m. through 12:00 noon, I will be sponsoring a free fishing derby at Stony Creek Metro Park in Washington Township. We'll have free fishing and casting seminars, interactive fishing games, assistance with fishing and a certificate for all participants. A fishing rod and bait will be provided or people can bring their own equipment.

Fishing is historically one of the most enjoyable outdoor activities Michigan has to offer. Nothing can surpass the peace of casting a line from a boat or the bank of a river or lake and working to land a big fish. Fishing provides families a great way to spend time together and teaches kids patience and an appreciation for the great outdoors. I encourage everyone to go out and have some fun fishing this weekend.

Committee Reports

The Committee on Government Operations reported

House Bill No. 4408, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 614a and 615a (MCL 168.614a and 168.615a), section 614a as added by 1988 PA 275 and section 615a as amended by 1995 PA 87.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Hammerstrom and Sikkema

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Tuesday, June 8, 1999, at 9:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Bullard (C), Hammerstrom and Sikkema

Excused: Senators V. Smith and Miller

The Committee on Technology and Energy reported

House Bill No. 4658, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 5, line 11, after "PUBLIC" by inserting "SAFETY".
2. Amend page 5, line 13, after "PUBLIC" by inserting "SAFETY".
3. Amend page 5, line 14, after "PUBLIC" by inserting "SAFETY".
4. Amend page 5, line 15, after "THIS" by striking out "SECTION" and inserting "SUBDIVISION".
5. Amend page 5, line 19, after "PUBLIC" by inserting "SAFETY".
6. Amend page 5, line 22, after "PUBLIC" by inserting "SAFETY".
7. Amend page 7, line 2, after "DISTRIBUTED" by striking out the balance of the subdivision and inserting "AS PROVIDED IN THE FINAL 9-1-1 SERVICE PLAN."
8. Amend page 7, line 23, after "SAFETY" by striking out "ENTITY" and inserting "AGENCY".

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

Mat Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Byrum and Leland

Nays: None

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

The Committee on Technology and Energy reported

House Bill No. 4659, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," (MCL 484.1101 to 484.1604) by adding chapter VII; and to repeal acts and parts of acts.

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

Mat Dunaskiss
Chairperson

To Report Out:
Yeas: Senators Dunaskiss, Sikkema, Rogers, Byrum and Leland
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:
Meeting held on Tuesday, June 8, 1999, at 1:30 p.m., Room 404, Capitol Building
Present: Senators Dunaskiss (C), Sikkema, Rogers, Byrum and Leland
Excused: Senators Schuette and Dingell

The Committee on Economic Development, International Trade and Regulatory Affairs reported
House Bill 4733, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending the title and sections 3, 4, 5, 6, and 8 (MCL 125.2683, 125.2684, 125.2685, 125.2686, and 125.2688) and by adding sections 8a and 8b.
With the recommendation that the substitute (S-2) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Bill Schuette
Chairperson

To Report Out:
Yeas: Senators Schuette, McCotter and Jaye
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:
Meeting held on Wednesday, June 9, 1999, at 9:40 a.m., Room 210, Farnum Building
Present: Senators Schuette (C), McCotter and Jaye
Excused: Senators Leland and Peters

The Committee on Education reported

House Bill No. 4082, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1989 PA 194.
With the recommendation that the substitute (S-3) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Loren Bennett
Chairperson

To Report Out:
Yeas: Senators Bennett, Emmons, Stille, Peters and Leland
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:
Meeting held on Wednesday, June 9, 1999, at 9:00 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Bennett (C), Emmons, Stille, Peters and Leland

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 357 submits the following:
Meeting held on Tuesday, June 8, 1999, at 8:00 a.m., Senate Appropriations Room, Capitol Building
Present: Senators McManus (C), Gast and Koivisto

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:

Meeting held on Tuesday, June 8, 1999, at 8:45 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Gougeon, Koivisto and Emerson

Excused: Senators Goschka and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, June 8, 1999, at 1:00 p.m., Rooms 425 and 426, Capitol Building

Present: Senators Van Regenmorter (C), Rogers and V. Smith

Excused: Senators McCotter, Bullard, Peters and Dingell

Scheduled Meetings

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

Conference Committee on Senate Bill No. 79 - Thursday, June 10, at 8:00 a.m., Room 110, Farnum Building (3-1801).

Conference Committee on Senate Bill No. 361 - Thursday, June 10, at 1:00 p.m. and Friday, June 11, at 8:00 a.m., Rooms 402 and 403, Capitol Building (3-5801).

Conference Committee on Senate Bill No. 364 - Thursday, June 10, at 8:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-7350).

Conference Committee on Senate Bill No. 365 - Thursday, June 10, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1777).

Conference Committee on Senate Bill No. 366 - Thursday, June 10, at 8:30 a.m., Room 405, Capitol Building (3-3447).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 7:47 p.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate.