

**No. 52**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, May 31, 2000.

10:00 a.m.

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

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

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

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

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

Father Russ Kohler of Most Holy Trinity Church of Detroit offered the following invocation:

This greeting and prayer is composed for the millennium for politicians and officials from Pope John Paul II:

“As we gather, I greet all of you most cordially. I ask you kindly to convey these blessings to all the communities you represent. Life takes place in your daily choices. The personal choices and programs of you political leaders guide our societies toward life or death. You who believe, take an active part in public life; offer an irreplaceable energy in the defense of fundamental rights. I am convinced that your faith and witness reassure our contemporaries, who are often anxious and disoriented, that despite failure, violence, and fear, neither evil nor death ever has the last word.

Despite our manifold riches that we see in North America, where economic and political concerns are often considered paramount, remember that you are also home to many poor people. When I look to Latin America, it looks dangerously crippled by alarming social inequalities, drug trade, corruption, and now, in some cases, movements of arms struggle.

To all of you, let us look in this jubilee year of 2000 as a journey. God is preceding us and in which He will trace the path that will lead us towards Him. No prejudice or ambition—nothing should hold us back to a new history that is beginning among us. And so to the peoples whom you represent, remember they will write that history in their personal and collective lives. And so I bid all of you in this year 2000 safe journey.”

If you'd like to sing along with me, we'll do the Hebrew and Christian hymn of this season, the Alleluia: “Alleluia, Alleluia, Alleluia. The Spirit of the Lord fills the earth, is all embracing, and knows our utterance. Alleluia, Alleluia, Alleluia.”

God bless you and your families.

Senators Jaye, Hart, Byrum, Sikkema, McManus and Cherry entered the Senate Chamber.

### Motions and Communications

Senator Emerson moved that Senator V. Smith be excused from today's session.

The motion prevailed.

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senator Young admittance to the Senate floor.

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

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

### Recess

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

The motion prevailed, the time being 10:08 a.m.

10:25 a.m.

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

Senator Young introduced to the Senate Ted Talbert of WDIV-TV Detroit and Jim Hough, *Lansing State Journal* columnist for the “Onlooker,” and acknowledged Susan Watson of the *Detroit Free Press*, and Pete Waldmeir of *The Detroit News*, inductees into the Michigan Journalism Hall of Fame; and introduced Steve Lacey, chairman of the Michigan Journalism Hall of Fame Committee. The inductees were presented with resolutions of tribute.

Messrs. Talbert, Hough, and Lacey responded briefly.

During the recess, Senators Goschka and Bullard entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 30:  
**House Bill Nos. 4362 5063 5321 5509 5549 5570 5677 5803 5813 5825 5826 5827**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 30, for his approval the following bills:

**Enrolled Senate Bill No. 1135 at 1:32 p.m.**

**Enrolled Senate Bill No. 585 at 1:34 p.m.**

**Enrolled Senate Bill No. 1006 at 1:36 p.m.**

**Enrolled Senate Bill No. 269 at 1:38 p.m.**

The Secretary announced the printing and placement in the members' files on Tuesday, May 30, of:  
**Senate Bill No. 1301**

### Messages from the Governor

The following messages from the Governor were received:

Date: May 26, 2000  
Time: 3:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1069 (Public Act No. 120), being**

An act to repeal 1978 PA 279, entitled "An act to regulate weather modification in this state; to provide for the issuance of permits; to provide remedies; and to provide penalties," (MCL 295.101 to 295.132).

(Filed with the Secretary of State on May 30, 2000, at 3:35 p.m.)

Date: May 26, 2000  
Time: 3:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1071 (Public Act No. 121), being**

An act to repeal 1917 PA 263, entitled "An act to create the office of food and drug commissioner; to prescribe his powers, duties and compensation; to provide for the enforcement of the drug and liquor, dairy and food, and weights and measures laws; to abolish the office of dairy and food commissioner; and to provide for expenditures in connection therewith," (MCL 289.2 to 289.12).

(Filed with the Secretary of State on May 30, 2000, at 3:37 p.m.)

Date: May 26, 2000  
Time: 3:34 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1073 (Public Act No. 122), being**

An act to repeal 1919 PA 96, entitled "An act to provide for official county cream testers, the purchase of testing equipment, and prescribing their duties," (MCL 288.181 to 288.184).

(Filed with the Secretary of State on May 30, 2000, at 3:39 p.m.)

Date: May 26, 2000  
Time: 3:36 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1120 (Public Act No. 123), being**

An act to amend 1851 PA 151, entitled "An act to provide for the government of the state university, and to repeal chapter 57 of the Revised Statutes of 1846," by repealing sections 12 and 13 (MCL 390.12 and 390.13).

(Filed with the Secretary of State on May 30, 2000, at 3:41 p.m.)

Date: May 30, 2000  
Time: 2:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 658 (Public Act No. 129), being**

An act to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the

powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1704.

(Filed with the Secretary of State on May 30, 2000, at 3:53 p.m.)

Respectfully,  
John Engler  
Governor

Senators Sikkema, Bennett, A. Smith, Dunaskiss, North, Hoffman, Koivisto and DeBeaussaert asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's statement is as follows:

Fellow Senators, you know we particularly at this time of year spend at lot of hours in session and committees, working on a lot of issues. And I think although we don't always agree with people we work with, particularly people from the various departments, it goes without saying that our appreciation for them and the work they do day in and day out and the service they render for the state of Michigan and the responsiveness they have to our inquiries and questions is something that we need to acknowledge on a regular basis and personally say that we appreciate it very much.

The reason I rise before you this morning is there is an individual whom I and all the members have worked with for a number of years. It's the person on my right, Cathy Wilson, who is the legislative liaison for the Michigan Department of Environmental Quality. The occasion today is that she is leaving that assignment and that position to take on some new roles. She has been a person who has worked with many of us, been responsive to our inquiries, and done a wonderful job for the state of Michigan. I know Senator Bennett, who has worked with her in past, as past chairman, would say that same thing.

I have a special Senate Resolution No. 176 to give recognition and honor to Cathy Wilson. And, Cathy, I just want to say thank you for everything you've done for me, for the Senate committee, and for the entire Legislature and Godspeed.

Senator Bennett's statement is as follows:

As the previous chair of the Natural Resources and Environmental Affairs Committee, I would like to add my congratulations to all of the hard work that Cathy did while I was chair. She was certainly an excellent employee. She did everything possible to make sure that the relationships between the Legislature and the department were at a top-notch level. I just wish her well and think the world of Cathy.

Senator A. Smith's statement is as follows:

I've had the real pleasure of working with Cathy Wilson. Since she was with Senator Dunaskiss, I've known Cathy to be a person who has always grasped the issues. And while we may not have always agreed, particularly when she went to the department, it has been with certainty that when Cathy said "yes" or "no," I could rely on that position. I really look forward to continuing my work with her into the future.

And, Cathy, it has been a real pleasure to deal with someone who is up-front, honest, and comports herself with a great deal of integrity.

Senator Dunaskiss' statement is as follows:

Certainly, I'd like to add my words of congratulations to Cathy. But this is kind of emotional for me because she's been part of my family for a long period of time, as she started back in my office back in '86 as an intern and worked with us in the House and certainly in the Senate as being my legislative aide for a long period of time. So I just wish her very, very well, and it's great to see the amount of growth and professional development she's received. Congratulations Cathy.

Senator North's statement is as follows:

Cathy Carleton was my press secretary, and let me tell you, anybody who could make this guy look good is a very talented individual. So Governor Engler is very fortunate to be securing the talent, efforts, and dedication of Cathy Wilson. I offer my congratulations too.

Senator Hoffman's statement is as follows:

I, too, want to add my accolades to Cathy Wilson. Prior to Senator Bennett and Senator Sikkema chairing the Natural Resources and Environmental Affairs Committee, I had the opportunity to chair that committee. And about the time I was getting ready to leave that committee, she was named the legislative liaison with the Department of Environmental Quality. Well, I wanted to get back onto the committee because of her service to the Department of Environmental Quality, but I'd already gone too far.

I've been able to work with her with a great deal of respect. She has the integrity that every legislative liaison from any state department needs to work with the Legislature. Her firm understanding of the legislative process, I think, really helped the Department of Environmental Quality. The Department of Environmental Quality's loss is clearly the Governor's gain.

Cathy, I'll look forward to working with you in your new capacity. Good luck.

Senator Koivisto's statement is as follows:

I would like to add to the remarks being made for Cathy. Cathy has some roots in my district. I want to make sure I get my remarks in the Journal, so that she has some U.P. roots being mentioned when we congratulate her. We across the U.P. have a lot of interaction with both DNR and DEQ with the vast amount of resources we have, and each and every time we called upon Cathy, she's been of tremendous help and really a professional in the way she conducted herself. So we congratulate her on her move. We'll miss her with DEQ, but we will still be working with her with the Governor's office. On behalf of the U.P., congratulations.

Senator DeBeaussaert's statement is as follows:

It's obvious that our appreciation and admiration extends on both sides of the aisle here today. I would like as a member of the minority to thank her for the many courtesies she offered to me and I am sure to many of the other members here.

I had the pleasure of working with her on the standing policy committee and later on the appropriations subcommittee. As a member of the minority, I certainly appreciate her abilities to treat our requests for information and the requests from our constituents with a great deal of professionalism and courtesy, recognizing, coming from this process, the importance that each of us have of serving our constituents. I look forward to working with her in her new responsibilities.

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

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

**House Bill No. 5468, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 1998 PA 123.

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. 391**

**Yeas—35**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—2**

North

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 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.

Senators Young and North stated that had they been present when the vote was taken on the passage of the following bill, they would have voted “yea”:

**House Bill No. 5468**

The following bill was read a third time:

**House Bill No. 5029, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 5119 (MCL 333.5119), as amended by 1994 PA 75.

The question being on the passage of the bill,

Senator Shugars offered the following amendment:

1. Amend page 4, following line 6, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2001.”.

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

Senator A. Smith offered the following amendment:

1. Amend page 3, following line 7, by inserting:

“(4) BEGINNING ON THE EFFECTIVE DATE THAT ADDED SUBDIVISIONS (A) THROUGH (D) AND ANNUALLY FOR 4 YEARS FOLLOWING THAT DATE, THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

(A) REVIEW THE EFFECTIVENESS OF PROVIDING WRITTEN EDUCATIONAL MATERIALS.

(B) IDENTIFY TARGETED POPULATIONS BASED ON INCIDENCE OF EXPOSURE.

(C) REPORT TO THE SENATE AND HOUSE OF REPRESENTATIVES LEGISLATIVE COMMITTEES ON HEALTH POLICY WAYS TO CONSULT, EDUCATE, OR INFORM THE TARGETED POPULATIONS CONCERNING THE MODES OF HIV TRANSMISSION, THE POTENTIAL FOR HIV TRANSMISSION, PROTECTIVE MEASURES, AND OTHER MEDICAL INFORMATION THAT COULD LEAD TO REDUCED INCIDENCE OF HIV OR AIDS.

(D) RECOMMEND TO THE LEGISLATURE ALLOCATIONS OF FUNDS TO FULFILL THE CONSULTING, EDUCATIONAL, AND INFORMATIONAL OBJECTIVES.

(E) SEEK INPUT FROM STATE AGENCIES, COUNTY HEALTH DEPARTMENTS, MEDICAL SERVICES PROVIDERS, EDUCATIONAL INSTITUTIONS, AND NONPROFIT ORGANIZATIONS, INCLUDING THE AMERICAN RED CROSS, INVOLVED IN HIV OR AIDS AWARENESS.” and renumbering the remaining subsection.

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. 392**

**Yeas—34**

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

**Nays—3**

Byrum	Jaye	Smith, A.
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**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

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

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 772, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 267.

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. 393****Yeas—37**

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

**Nays—0****Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Peters, Gougeon, North, Bennett, Steil, Jaye, Rogers, Gast, Hoffman, Bullard, DeBeaussaert, Miller, McManus, Van Regenmorter, Schuette, Schwarz and Vaughn moved that they be named co-sponsors of the following bill:

**Senate Bill No. 772**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1205, entitled**

A bill to prescribe a tax on the sale and use of certain types of fuel in motor vehicles on the public roads or highways of this state and on certain other types of gas; to prescribe the manner and the time of collection and payment of this tax and the duties of officials and others pertaining to the payment and collection of this tax; to provide for the licensing of persons involved in the sale, use, or transportation of motor fuel and the collection and payment of the tax imposed by this act; to prescribe fees; to prescribe certain other powers and duties of certain state agencies and other persons; to provide for exemptions and refunds and for the disposition of the proceeds of this tax; to provide for appropriations from the proceeds of this tax; to prescribe remedies and penalties for the violation of this act; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator McManus offered the following amendments:

1. Amend page 27, line 4, after "if" by striking out the balance of the subdivision and inserting "the purchaser paid the tax imposed on that fuel under the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208, and the purchaser is registered under section 94 if required to be registered under that section."

2. Amend page 70, line 16, after "purchase" by inserting "for resale".

3. Amend page 70, line 24, after "purposes." by inserting "A seller shall obtain from the purchaser a statement that the fuel will only be sold or used as aviation fuel."

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

The question being on the passage of the bill,

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

**Roll Call No. 394**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1264, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 203 (MCL 259.203).

The question being on the passage of the bill,



Senator McManus offered the following amendment:

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

“(2) IF A PERSON REQUIRED TO REGISTER WITH THE DEPARTMENT OF TREASURY UNDER SECTION 94 OF THE MOTOR FUEL TAX ACT IS NOT REGISTERED, THE PERSON SHALL NOT PURCHASE FUEL UNDER THIS ACT AT THE RATE IMPOSED BY SUBSECTION (1), BUT SHALL PAY THE APPLICABLE RATE IMPOSED ON MOTOR FUEL BY SECTION 8 OF THE MOTOR FUEL TAX ACT.”.

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. 395**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1265, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 71102 (MCL 324.71102), as added by 1995 PA 58.

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. 396**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1266, entitled**

A bill to amend 1980 PA 119, entitled “Motor carrier fuel tax act,” by amending sections 1 and 4 (MCL 207.211 and 207.214), as amended by 1996 PA 584.

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. 397**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4427, entitled**

A bill to define, develop, and regulate privately owned cervidae as an agricultural enterprise in this state; to provide powers and duties of certain state agencies and departments; and to provide for certain penalties and remedies.

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. 398****Yeas—37**

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

**Nays—0****Excused—1**

Smith, V.

**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.

The following bill was read a third time:

**House Bill No. 4428, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103, 41102, and 42702 (MCL 324.40103, 324.41102, and 324.42702), section 40103 as amended by 1999 PA 66 and sections 41102 and 42702 as added by 1995 PA 57; 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. 399****Yeas—37**

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

**Nays—0****Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

Senator Hoffman 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. 5538, entitled**

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending sections 21, 22b, 22c, 32, 32a, 32b, 44, 44a, and 46 (MCL 125.1421, 125.1422b, 125.1422c, 125.1432, 125.1432a, 125.1432b, 125.1444, 125.1444a, and 125.1446), section 21 as amended by 1983 PA 49, sections 22b, 22c, 32, 32a, and 44a as amended by 1996 PA 475, sections 32b and 44 as amended by 1998 PA 33, and section 46 as amended by 1993 PA 220.

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. 400**

**Yeas—36**

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

**Nays—1**

Jaye

**Excused—1**

Smith, V.

**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 create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments in lieu of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5507, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109 (MCL 400.109), as amended by 1997 PA 173.

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. 401**

**Yeas—36**

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

**Nays—1**

Jaye

**Excused—1**

Smith, V.

**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 welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; 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. 1274, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds,

and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive 74 2 transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10 and 10o (MCL 247.660 and 247.660o), section 10 as amended and section 10o as added by 1998 PA 308.

The question being on the passage of the bill,

Senator Hoffman offered the following amendment:

1. Amend page 8, following line 22, by inserting:

"Sec. 11. (1) A fund to be known as the state trunk line fund is established and shall be set up and maintained in the state treasury as a separate fund. The money deposited in the state trunk line fund is appropriated to the state transportation department for the following purposes in the following order of priority:

(a) For the payment, but only from money restricted as to use by section 9 of article IX of the state constitution of 1963, of bonds, notes, or other obligations in the following order of priority:

(i) For the payment of contributions required to be made by the state highway commission or the state transportation commission under contracts entered into before July 18, 1979, under 1941 PA 205, MCL 252.51 to 252.64, which contributions have been pledged before July 18, 1979, for the payment of the principal and interest on bonds issued under 1941 PA 205, MCL 252.51 to 252.64, for the payment of which a sufficient sum is irrevocably appropriated.

(ii) For the payment of the principal and interest upon bonds designated "State of Michigan, State Highway Commissioner, Highway Construction Bonds, Series I", dated September 1, 1956, in the aggregate principal amount of \$25,000,000.00, issued pursuant to former 1955 PA 87 and the resolution of the state administrative board adopted August 6, 1956, for the payment of which a sufficient sum is irrevocably appropriated.

(iii) For the payment of the principal and interest on bonds issued under section 18b for transportation purposes other than comprehensive transportation purposes as defined by law and the payment of contributions of the state highway commission or state transportation commission to be made pursuant to contracts entered into under section 18d, which contributions are pledged to the payment of principal and interest on bonds issued under the authorization of section 18d and contracts executed pursuant to that section. A sufficient portion of the fund is irrevocably appropriated to pay, when due, the principal and interest on bonds or notes issued under section 18b for purposes other than comprehensive transportation purposes as defined by law, and to pay the annual contributions of the state highway commission and the state transportation commission as are pledged for the payment of bonds issued pursuant to contracts authorized by section 18d.

(b) For the transfer of funds appropriated pursuant to section 10(1)(g) to the transportation economic development fund, but the transfer shall be reduced each fiscal year by the amount of debt service to be paid in that year from the state trunk line fund for bonds, notes, or other obligations issued to fund projects of the transportation economic development fund, which amount shall be certified by the department.

(c) For the transfer of funds appropriated pursuant to section 10(1)(a) to the railroad grade crossing account in the state trunk line fund for expenditure to meet the cost, in whole or in part, of providing for the improvement, installation, and retirement of new or existing safety devices or other rail grade crossing improvements at rail grade crossings on public roads and streets under the jurisdiction of the state, counties, or cities and villages. Projects shall be selected for funding in accordance with the following:

(i) Not more than 50% or less than 30% of these funds and matched federal funds shall be expended for state trunk line projects.

(ii) In prioritizing projects for these funds, in whole or in part, the department shall consider train and vehicular traffic volumes, accident history, traffic control device improvement needs, and the availability of funding.

(iii) Consistent with the other requirements for these funds, the first priority for funds deposited pursuant to this subdivision for rail grade crossing improvements and retirement shall be to match federal funds from the railroad-highway grade crossing improvement program or other comparable federal programs.

(iv) If federal funds from the railroad-highway grade crossing improvement program or other comparable federal programs have been exhausted, funds deposited pursuant to this subdivision shall be used to fund 100% of grade crossing projects that receive the highest priority of unfunded projects pursuant to criteria established by the department.

(v) State railroad grade crossing funds shall not be used, either as 100% of project cost or to match federal railroad-highway grade crossing improvement funds, for a crossing that is determined by the department pursuant to the criteria

established by the department to be a lower priority than other projects that have not yet been funded. However, if sufficient funds are available, these state railroad grade crossing account funds may be used for not more than 50% of a project's cost for a crossing that is determined by the department pursuant to the criteria established by the department to be a lower priority if the balance of not less than 50% of the project's cost is provided by the road authority, railroad, or other sources.

(vi) The type of railroad grade crossing improvement, installation, relocation, or retirement of grade crossing surfaces, active and passive traffic control devices, pavement marking, or other related work shall be eligible for these railroad grade crossing account funds in the same manner as the project type eligibility provided by the federal funds from the railroad-highway grade crossing improvement program, except for the following:

(A) For new railroad crossings, these funds may be used for the crossing surface, active and passive traffic control devices, pavement marking, and other improvements necessitated by the new crossing.

(B) These funds may be used for the modification, relocation, or modernization of railroad grade crossing facilities necessitated by roadway improvement projects.

(C) If the department and the road authority with jurisdiction over a public road or street crossing formally agree that the grade crossing should be eliminated by permanent closing of the public road or street, the road authority making the closing shall receive \$5,000.00 from the railroad grade crossing account. In addition, any connecting road improvements necessitated by the grade crossing closure are reimbursable on an actual cost basis not to exceed \$10,000.00 per crossing closed. The physical removal of the crossing, roadway within railroad rights of way and street termination treatment will be negotiated between the road authority and railroad company. The funds provided to the road authority as a result of the crossing closure will be credited to its account representing the same road or street system on which the crossing is located.

~~(vi) This subdivision shall apply through September 30, 2000.~~

(d) For the total operating expenses of the state trunk line fund for each fiscal year as appropriated by the legislature.

(e) For the maintenance of state trunk line highways and bridges.

(f) For the opening, widening, improving, construction, and reconstruction of state trunk line highways and bridges, including the acquisition of necessary rights of way and the work incidental to that opening, widening, improving, construction, or reconstruction. Those sums in the state trunk line fund not otherwise appropriated, distributed, determined, or set aside by law shall be used for the construction or reconstruction of the national system of interstate and defense highways, referred to in this act as "the interstate highway system" to the extent necessary to match federal aid funds as the federal aid funds become available for that purpose; and, for the construction and reconstruction of the state trunk line system.

(g) The state transportation department may enter into agreements with county road commissions and with cities and villages to perform work on a highway, road, or street. The agreements may provide for the performance by any of the contracting parties of any of the work contemplated by the contract including engineering services and the acquisition of rights of way in connection with the work, by purchase or condemnation by any of the contracting parties in its own name, and for joint participation in the costs, but only to the extent that the contracting parties are otherwise authorized by law to expend money on the highways, roads, or streets. The state transportation department also may contract with a county road commission, city, and village to advance money to a county road commission, city, and village to pay their costs of improving railroad grade crossings on the terms and conditions agreed to in the contract. A contract may be executed before or after the state transportation commission borrows money for the purpose of advancing money to a county road commission, city, or village, but the contract shall be executed before the advancement of any money to a county road commission, city, or village by the state transportation commission, and shall provide for the full reimbursement of any advancement by a county road commission, city, or village to the state transportation department, with interest, within 15 years after advancement, from any available revenue sources of the county road commission, city, or village or, if provided in the contract, by deduction from the periodic disbursements of any money returned by the state to the county road commission, city, or village.

(h) For providing inventories of supplies and materials required for the activities of the state transportation department. The state transportation department may purchase supplies and materials for these purposes, with payment to be made out of the state trunk line fund to be charged on the basis of issues from inventory in accordance with the accounting and purchasing laws of the state.

(2) Notwithstanding any other provision of this act, at least 90% of state revenue appropriated annually to the state trunk line fund less the amounts described in subdivisions (a) to (i) shall be expended annually by the state transportation department for the maintenance of highways, roads, streets, and bridges and for the payment of debt service on bonds, notes, or other obligations described in subsection (1)(a) issued after July 1, 1983, for the purpose of providing funds for the maintenance of highways, roads, streets, and bridges. Of the amounts appropriated for state trunk line projects, the department shall, where possible, secure warranties of not less than 5-year full replacement guarantee for contracted construction work. If an appropriate certificate is filed under section 18e but only to the extent necessary, this subsection shall not prohibit the use of any amount of money restricted as to use by section 9 of article IX of the state constitution of 1963 and deposited in the state trunk line fund for the payment of debt service on bonds, notes, or other obligations pledging for the payment thereof money restricted as to use by section 9 of article IX of the state constitution of 1963 and deposited in the state trunk line fund, whenever issued, as specified under subsection (1)(a). The amounts which are deducted from the state trunk line fund for the purpose of the calculation required by this subsection are as follows:

(a) Amounts expended for the purposes described in subsection (1)(a) for the payment of debt service on bonds, notes, or other obligations issued before July 2, 1983.

(b) Amounts expended to provide the state matching requirement for projects on the national highway system and for the payment of debt service on bonds, notes, or other obligations issued after July 1, 1983, for the purpose of providing funds for the state matching requirements for projects on the national highway system.

(c) Amounts expended for the construction of a highway, street, road, or bridge to 1 or more of the following or for the payment of debt service on bonds, notes, or other obligations issued after July 1, 1983, for the purpose of providing funds for the construction of a highway, street, road, or bridge to 1 or more of the following:

(i) A location for which a building permit has been obtained for the construction of a manufacturing or industrial facility.

(ii) A location for which a building permit has been obtained for the renovation of, or addition to, a manufacturing or industrial facility.

(d) Amounts expended for capital outlay other than for highways, roads, streets, and bridges or to pay debt service on bonds, notes, or other obligations issued after July 1, 1983, for the purpose of providing funds for capital outlay other than for highways, roads, streets, and bridges.

(e) Amounts expended for the operating expenses of the state transportation department other than the units of the department performing the functions assigned on January 1, 1983 to the bureau of highways.

(f) Amounts expended pursuant to contracts entered into before January 1, 1983.

(g) Amounts expended for the purposes described in subsection (5).

(h) Amounts appropriated for deposit in the transportation economic development fund and the rail grade crossing account pursuant to section 10(1)(g) and 10(1)(a).

(i) Upon the affirmative recommendation of the director of the state transportation department and the approval by resolution of the state transportation commission, those amounts expended for projects vital to the economy of the state, a region, or local area or the safety of the public. The resolution shall state the cost of the project exempted from this subsection.

(3) Notwithstanding any other provision of this act, the state transportation department shall expend annually at least 90% of the federal revenue distributed to the credit of the state trunk line fund in that year, except for federal revenue expended for the purposes described in subsection (2)(b), (c), (f), and (i) on the maintenance of highways, roads, streets, and bridges. The requirement of this subsection shall be waived if compliance would cause the state to be ineligible according to federal law for federal revenue, but only to the extent necessary to make the state eligible according to federal law for that revenue.

(4) As used in this section:

(a) "Maintenance" and "maintaining" mean snow removal; street cleaning and drainage; seal coating; patching and ordinary repairs; erection and maintenance of traffic signs and markings; safety projects; and the preservation, reconstruction, resurfacing, restoration, and rehabilitation of highways, roads, streets, and bridges. For the purposes of this section, maintenance and maintaining shall not be limited to the repair and replacement of a road but shall include maintaining the original intent of a construction project. If traffic patterns indicate that this intent is no longer being met, the department may expend funds to take corrective action and continue to fulfill its obligation of maintaining the department's original objective for the construction project. However, maintenance and maintaining do not include projects which increase the capacity of a highway facility to accommodate that part of the traffic having neither origin nor destination within the local area.

(b) "Maintenance" and "maintaining" include widening less than lane width; adding auxiliary turning lanes of ½ mile or less; adding auxiliary weaving, climbing, or speed change lanes; and correcting substandard intersections.

(c) "Maintenance" and "maintaining" do not include the upgrading of aggregate surface roads to hard surface roads.

(d) "Maintenance" and "maintaining" include the portion of the costs of the units of the department performing the functions assigned on January 1, 1983, to the bureau of highways expended for the purposes described in subdivisions (a) and (b).

(5) Notwithstanding any other provision of this section, the state transportation department may loan money to county road commissions, cities, and villages for paying capital costs of transportation purposes described in the second paragraph of section 9 of article IX of the state constitution of 1963 from the proceeds of bonds or notes issued pursuant to section 18b or from the state trunk line fund. Loans made directly from the state trunk line fund shall be made only after provision of funds for the purposes specified in subsection (1)(a) to (f).

(6) County road commissions, cities, and villages may borrow money from the proceeds of bonds or notes issued under section 18b or the state trunk line fund for the purposes set forth in subsection (5) ~~which~~ THAT shall be repayable, with interest, from 1 or more of the following:

(a) The money to be received by the county road commission, city, or village from the Michigan transportation fund, except to the extent the money has been or may in the future be pledged by contract in accordance with 1941 PA 205, MCL 252.51 to 252.64, or has been or may in the future be pledged for the payment of the principal and interest upon notes issued pursuant to 1943 PA 143, MCL 141.251 to 141.254, or has been or may in the future be pledged for the payment of principal and interest upon bonds issued under section 18c or 18d, or has been or may in the future be pledged for the payment of the principal and interest upon bonds issued pursuant to 1952 PA 175, MCL 247.701 to 247.707.

(b) Any other legally available funds of the city, village, or county road commission, other than the general funds of the county.



(7) Loans made pursuant to subsection (5) if required by the state transportation department may be payable by deduction by the state treasurer, upon direction of the state transportation department, from the periodic disbursements of any money returned by the state under this act to the county road commission, city, or village, but only after sufficient money has been returned to the county road commission, city, or village to provide for the payment of contractual obligations incurred or to be incurred and principal and interest on notes and bonds issued or to be under 1941 PA 205, MCL 252.51 to 252.64, 1943 PA 143, MCL 141.251 to 141.254, 1952 PA 175, MCL 247.701 to 247.707, or section 18c or 18d. The interest rates and payment schedules of any loans made from the proceeds of bonds or notes issued pursuant to section 18b shall be established by the state transportation department to conform as closely as practicable to the interest rate and repayment schedules on the bonds or notes issued to make the loans. However, the state transportation department may allow for the deferral of the first payment of interest or principal on the loans for a period of not to exceed 1 year after the respective first payment of interest or principal on the bonds or notes issued to make the loans.

(8) The amount borrowed by a county road commission, city, or village pursuant to subsection (6) shall not be included in, or charged against, any constitutional, statutory, or charter debt limitation of the county, city, or village and shall not be included in the determination of the maximum annual principal and interest requirements of, or the limitations upon, the maximum annual principal and interest incurred under 1941 PA 205, MCL 252.51 to 252.64, 1943 PA 143, MCL 141.251 to 141.254, 1952 PA 175, MCL 247.701 to 247.707, or section 18c or 18d.

(9) The county road commission, city, or village ~~shall not be~~ IS NOT required to seek or obtain the approval of the electors, the municipal finance commission or its successor agency, or, except as provided in this subsection, the department of treasury to borrow money pursuant to subsection (6). The borrowing ~~shall not be~~ IS NOT subject to the municipal finance act, 1943 PA 202, MCL 131.1 to 139.3, or to section 5(g) of the home rule city act, 1909 PA 279, MCL 117.5. The state transportation department shall give at least 10 days' notice to the state treasurer of its intention to make a loan under subsection (5). If the state treasurer gives notice to the director of the state transportation department within 10 days of receiving the notice from the state transportation department, that, based upon the then existing financial or credit situation of the county road commission, city, or village, it would not be in the best interests of the state to make a loan under subsection (5) to the county road commission, city, or village, the loan shall not be made unless the state treasurer, after a hearing, if requested by the affected county road commission, city, or village, subsequently gives notice to the director of the state transportation department that the loan may be made on the conditions that the state treasurer specifies.

(10) The state transportation commission may borrow money and issue bonds and notes under, and pursuant to the requirements of, section 18b to make loans to county road commissions, cities, and villages for the purposes described in the second paragraph of section 9 of article IX of the state constitution of 1963, as provided in subsection (5). A single issue of bonds or notes may be issued for the purposes specified in subsection (5) and for the other purposes specified in section 18b. The house and senate transportation appropriations subcommittees shall be notified by the department if there are extras and overruns sufficient to require approval of either the state administrative board or the commission, or both, on any contract between the department and a local road agency or a private business.

(11) The director of the state transportation department, after consultation with representatives of the interests of county road commissions, cities, and villages, shall establish, by intergovernmental communication, procedures for the implementation and administration of the loan program established under subsections (5) to (10).

(12) Not more than 10% per year of all of the funds received by and returned to the state transportation department from any source for the purposes of this section may be expended for administrative expenses. The department shall be subject to section 14(5) if more than 10% per year is expended for administrative expenses. As used in this subsection, "administrative expenses" means those expenses that are not assigned including, but not limited to, specific road construction or maintenance projects and are often referred to as general or supportive services. Administrative expenses shall not include net equipment expense, net capital outlay, debt service principal and interest, and payments to other state or local offices which are assigned, but not limited to, specific road construction projects or maintenance activities.

(13) Any performance audits of the department shall be conducted according to government auditing standards issued by the United States general accounting office."

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

Senator Sikkema offered the following amendment:

1. Amend page 5, line 13, after "20,000 OR MORE" by inserting "IN A COUNTY WITH A POPULATION OF 500,000 OR LESS OR 600,000 OR MORE".

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

Senator Rogers moved that Senator Hammerstrom be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Hoffman offered the following amendments:

1. Amend page 4, line 4, after "subdivision" by striking out "(I)" and inserting "(J)".

2. Amend page 5, following line 3, by inserting:

"(I) AN AMOUNT AS DETERMINED BY THE LEGISLATURE TO THE STATE TRUNKLINE FUND TO SUPPLEMENT THE INSTITUTIONAL ROAD PROGRAM FOR UNIVERSITY ROADS." and relettering the remaining subdivision.

3. Amend page 5, line 6, after "through" by striking out "(H)" and inserting "(I)".

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

Senator Dingell offered the following amendment:

1. Amend page 8, following line 22, by inserting:

“Sec. 12. (1) The amount distributed to the county road commissions shall be returned to the county treasurers in the manner, for the purposes, and under the terms and conditions specified in this section. The department and the county road association of Michigan shall jointly develop incentives for counties to establish statewide purchasing pools for the more efficient use of Michigan transportation funds.

(2) Each county road commission shall be reimbursed in an amount up to \$10,000.00 per year for the sum paid to a licensed professional engineer employed or retained by the county road commission in the previous year. The sum shall be returned to each county road commission certified by the state transportation department as complying with this subsection regarding the employment of an engineer.

(3) An amount equal to 1% of the total amount returned to the county road commissions from the Michigan transportation fund during the prior calendar year shall be withheld annually from the counties' November monthly distribution provided for in section 17, and the amount shall be returned to the county road commissions for snow removal purposes as provided in section 12a.

(4) An amount equal to 10% of the total amount returned to the county road commissions from the Michigan transportation fund shall be returned to each county road commission having county primary, or county local road, or both, mileage in the urban areas as determined pursuant to section 12b. This sum shall be distributed pursuant to section 12b. The return shall be in addition to the amounts provided in subsections (6) and (7) and for the purposes stated in those subsections.

(5) An amount equal to 4% of the total amount returned to the county road commissions from the Michigan transportation fund shall be returned to the county road commissions in the same percentages as provided in subsection (7). All money returned to the county road commissions as provided in this subsection shall be expended by the county road commissions for the maintenance, improvement, construction, reconstruction, acquisition, and extension of county local road systems and shall be in addition to the amounts provided in subsection (7).

(6) Seventy-five percent of the remainder of the total amount to be returned to the counties shall be expended by each county road commission for the maintenance, improvement, construction, reconstruction, acquisition, and extension of the county primary road system, including the acquisition of a necessary right of way for the system, work incidental to the system, and a roadside park or motor parkway appurtenant to the system, and shall be returned to the counties as follows:

(a) Three-fourths of the amount in proportion to the amount received within the respective county during the 12 months next preceding the date of each monthly distribution, as specific taxes upon registered motor vehicles under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(b) One-tenth of the amount in the same proportion that the total mileage OR TOTAL LANE MILEAGE, WHICHEVER IS GREATER, in the county primary road system of each county bears to the total mileage OR TOTAL LANE MILEAGE, WHICHEVER IS GREATER, in all of the county primary road systems of the state.

(c) One eighty-third of the remaining 15% of the amount to each county.

(7) The balance of the remainder of the total amount to be returned to counties shall be expended by each county road commission for the maintenance, improvement, construction, reconstruction, acquisition, and extension of the county local road system as defined by this act, including the acquisition of a necessary right of way for the system, work incidental to the system, and a roadside park or motor parkway appurtenant to the system, and shall be returned to the counties as follows:

(a) Sixty-five percent of the amount in the same proportion that the total mileage OR TOTAL LANE MILEAGE, WHICHEVER IS GREATER, in the county local road system of each county bears to the total mileage OR TOTAL LANE MILEAGE, WHICHEVER IS GREATER, in all of the county local road systems of the state.

(b) Thirty-five percent of the amount in the same proportion that the total population outside of incorporated municipalities in each county bears to the total population outside of incorporated municipalities in all of the counties of the state, according to the most recent statewide federal census as certified at the beginning of the state fiscal year.

(8) Money deposited in, or becoming a part of the county road funds of a board of county road commissioners shall be expended first for the payment of principal and interest on the bonds, for the payment of contractual contributions pledged for the payment of bonds, for debt service requirements for the payment of contractual contributions pledged for the payment of bonds, and for debt service requirements for the payment of notes and loans in the following order of priority:

(a) For the payment of contributions required to be made by a board of county road commissioners under a contract entered into under 1941 PA 205, MCL 252.51 to 252.64, which contributions have been pledged for the payment of the principal and interest on bonds issued under that act, or for the payment of total debt service requirements upon notes issued by a board of county road commissioners under 1943 PA 143, MCL 141.251 to 141.254.

(b) For the payment of principal and interest upon bonds issued under section 18c, and the payment of contributions of a board of county road commissioners to be made pursuant to contracts entered into under section 18d, which contributions are pledged to the payment of principal and interest on bonds issued after June 30, 1957, under the authorization of section 18c and contracts executed pursuant to its provisions.

(c) For the payment of principal and interest upon loans received pursuant to section 11(7), to the extent other funds have not been made available for that payment.

(9) Not to exceed 30% per year of the amount returned to a county for use on the county primary road system may be expended, with or without matching, on the county local road system of that county. Not to exceed 15% per year of the amount returned to a county for expenditure on the county local road system may be used, with or without

matching, on the county primary road system of that county, and not to exceed an additional 15% per year of the amount returned to a county for expenditure on the county local road system, may, in case of an emergency or with the approval of the state transportation department, be expended, with or without matching, on the county primary road system of that county. An amount returned to a county for and on account of county local roads, under this section, in excess of the total amount paid into the county treasury each year by all of the townships of that county for and on account of the county local roads pursuant to section 14(6) may be transferred to and expended on the county primary road system of that county.

(10) Not less than 20% per year of the funds returned to a county by this section shall be expended for snow and ice removal, the construction or reconstruction of a new highway or existing highway, and the acquisition of a necessary right of way for those highways, and work incidental to those highways, or for the servicing of bonds issued by the county for these purposes. Surplus funds may be expended for the development, construction, or repair of an off-street parking facility.

(11) Not more than 5% per year of the funds returned to a county for the county primary road system and the county local road system shall be expended for the maintenance, improvement, or acquisition of appurtenant roadside parks and motor parkways.

(12) Funds returned to a county shall be expended by the county road commission for the purposes provided in this section and shall be deposited by the county treasurer in a designated county depository, in a separate account to the credit of the county road fund, and shall be paid out only upon the order of the county road commission, and interest accruing on the money shall become a part of, and be deposited with the county road fund.

(13) In a county to which the funds are returned the function of the county road commission shall be limited to the formation of policy and the performance of the official duties imposed by law and delegated by the county board of commissioners. A member of the county road commission shall not be employed individually in any other capacity for other duties with the county road commission.

(14) A county road commission may enter into an agreement with a county road commission of an adjacent county and with a city or village to perform work on a highway, road, or street, and with the state transportation department with respect to a state trunk line and connecting links of the state trunk line within the limits of the county or adjacent to the county. The agreement may provide for the performance by each contracting party of the work contemplated by the contract including engineering services and the acquisition of rights of way in connection with the work contemplated, by purchase or condemnation, by any of the contracting parties in its own name and the agreement may provide for joint participation in the costs.

(15) Money distributed from the Michigan transportation fund may be expended for construction purposes on county local roads only to the extent matched by money from other sources. However, Michigan transportation funds may be expended for the construction of bridges on the county local roads in an amount not to exceed 75% of the cost of the construction of local road bridges. This subsection does not apply to section 11b.

(16) Notwithstanding any other provision of this act, at least 90% of the state revenue returned annually to the county road commission from the Michigan transportation fund less the amounts described in subdivisions (a) to (e) shall be expended annually by the county road commission for the maintenance of highways, roads, streets, and bridges, and for the payment of contractual contributions pledged for the payment of bonds or portions of bonds, debt service requirements for the payment of bonds or portions of bonds, and debt service requirements for the payment of notes and loans or portions of notes and loans issued or received after July 1, 1983, for the purpose of providing funds for the maintenance of highways, roads, streets, and bridges. If an appropriate certificate is filed under subsection (19) but only to the extent necessary, this subsection shall not prohibit the use of any amount of state revenue returned annually to the county road commissions for the payment of contractual contributions pledged for the payment of bonds, for debt service requirements for the payment of bonds, and for debt service requirements for the payment of notes or loans, whenever issued or received, as specified under subsection (8). The amounts which are deducted from the state revenue returned to a county road commission from the Michigan transportation fund, for the purpose of the calculation required by this subsection are as follows:

(a) Amounts expended for the purposes described in subsection (8) for bonds, notes, loans, or other obligations issued or received before July 2, 1983.

(b) Amounts expended for the administrative costs of the county road commission.

(c) Amounts expended for capital outlay projects for equipment and buildings, and for the payment of contractual contributions pledged for the payment of bonds, for debt service requirements for the payment of bonds, and for debt service requirements for the payment of notes and loans issued or received after July 1, 1983, for the purpose of providing funds for capital outlay projects for equipment and buildings.

(d) Amounts expended for projects vital to the economy of the local area or the safety of the public in the local area. Before these amounts can be deducted, the governing body over the county road commission or the county road commission, as applicable, shall pass a resolution approving these projects. This resolution shall state which projects will be funded and the cost of each project. A copy of each approved resolution shall be forwarded immediately to the department.

(e) Amounts expended in urban areas as determined pursuant to section 12b.

(17) As used in this subsection, "urban routes" means those portions of 2 lane county primary roads within an urban area ~~which has~~ THAT HAVE average daily traffic in excess of 15,000. Notwithstanding any other provision of this act, except as provided in this subsection, a county road commission shall expend annually at least 90% of the federal revenue distributed to the use of the county road commission for highways, roads, streets, and bridges, less the amount expended on urban routes for other than maintenance purposes and the amount expended for hard-surfacing of gravel

roads on the federal-aid system, on the maintenance of highways, roads, streets, and bridges. A county road commission may expend in a year less than 90% of the federal revenue distributed to the use of the county road commission for highways, roads, streets, and bridges, less the amount expended on urban routes for other than maintenance purposes and the amount expended for hard-surfacing of gravel roads on the federal-aid system, on the maintenance of highways, roads, streets, and bridges, if that year is part of a 3-year period in which at least 90% of the total federal revenue distributed in the 3-year period to the use of the county road commission for highways, roads, streets, and bridges, less the amount expended on urban routes for other than maintenance purposes and the amount expended for hard-surfacing of gravel roads on the federal-aid system, is expended on the maintenance of highways, roads, streets, and bridges. If a county road commission expends in a year less than 90% of the federal revenue distributed to the use of the county road commission for highways, roads, streets, and bridges, less the amount expended on urban routes for other than maintenance purposes and the amount expended for hard-surfacing of gravel roads on the federal-aid system, on the maintenance of highways, roads, streets, and bridges and that year is not a part of a 3-year period in which at least 90% of the total federal revenue distributed in the 3-year period to the use of the county road commission for highways, roads, streets, and bridges, less the amount expended on urban routes for other than maintenance purposes and the amount expended for hard-surfacing of gravel roads on the federal-aid system, is expended on the maintenance of highways, roads, streets, and bridges, the county road commission shall expend in each year subsequent to the 3-year period 100%, or less in 1 year if sufficient for the purposes of this subsection, of the federal revenue distributed to the use of the county road commission for highways, roads, streets, and bridges, less the amount expended on urban routes for other than maintenance purposes and the amount expended for hard-surfacing of gravel roads on the federal-aid system, on the maintenance of highways, roads, streets, and bridges until the average percentage spent on the maintenance of highways, roads, streets, and bridges in the 3-year period and the subsequent years, less the amount expended on urban routes for other than maintenance purposes and the amount expended for hard-surfacing of gravel roads on the federal-aid system, is at least 90%. A year may be included in only one 3-year period for the purposes of this subsection. The requirements of this subsection shall be waived if compliance would cause the county road commission to be ineligible according to federal law for federal revenue, but only to the extent necessary to make the county road commission eligible according to federal law for that revenue. For the purpose of the calculations required by this subsection, the amount expended on urban routes by a county road commission for other than maintenance purposes and the amount expended for hard-surfacing of gravel roads on the federal-aid system shall be deducted from the total federal revenue distributed to the use of the county road commission.

(18) As used in this section:

(a) "Maintenance" and "maintaining" mean snow removal; erection of traffic control devices and traffic signals and payment of monthly electrical costs for those signals; street cleaning and drainage; seal coating; patching and ordinary repairs; erection and maintenance of traffic signs and markings; safety projects ~~which~~ THAT do not increase through traffic capacity; and the preservation, reconstruction, resurfacing, restoration, and rehabilitation of highways, roads, streets, and bridges. However, maintenance and maintaining do not include projects ~~which~~ THAT increase the capacity of a highway facility to accommodate that part of the traffic having neither origin nor destination within the local area.

(b) "Maintenance" and "maintaining" include widening less than lane width; adding auxiliary turning lanes of ½ mile or less; adding auxiliary weaving, climbing, or speed change lanes; and correcting substandard intersections.

(19) A county road commission shall certify, which certification shall, for purposes of the validity of bonds and notes, be conclusive as to the matters stated therein, to the state transportation department on or before the issuance of any bonds or notes issued after July 1, 1983, pursuant to 1943 PA 143, MCL 141.251 to 141.254, 1941 PA 205, MCL 252.51 to 252.64, or section 18c or 18d, for purposes other than the maintenance of highways, roads, streets, and bridges and purposes other than the purposes specified in subsection (16)(c) that its average annual debt service requirements for all bonds and notes or portions of bonds and notes issued after July 1, 1983, for purposes other than the maintenance of highways, roads, streets, and bridges and other than for the purposes specified in subsection (16)(c), including the bond or note to be issued does not exceed 10% of the funds returned to the county road commission pursuant to this act, less the amounts specified in subsection (16)(a), (b), and (c) during the last completed fiscal year of the county road commission. If the purpose for which the bonds or notes are issued is changed after the issuance of the notes or bonds, the change shall be made in such a manner to maintain compliance with the certification required by this subsection, as of the date the certificate was originally issued, but ~~no~~ such A change shall NOT invalidate or otherwise affect the bonds or notes with respect to which the certificate was issued or the obligation to pay debt service on the bonds or notes.

(20) In each charter county to which funds are returned under this section, the responsibility for road improvement, maintenance, and traffic operation work, and the development, construction, or repair of off-road parking facilities and construction or repair of road lighting shall be coordinated by a single administrator to be designated by the county executive who shall be responsible for and shall represent the charter county in transactions with the state transportation department pursuant to this act.

(21) Not more than 10% per year of all of the funds received by and returned to a county from any source for the purposes of this section may be expended for administrative expenses. A county that expends more than 10% for administrative expenses in a year shall be subject to section 14(5) unless a waiver is granted by the department of treasury. As used in this subsection, "administrative expenses" means those expenses that are not assigned including, but not limited to, specific road construction or maintenance projects and are often referred to as general or supportive services. Administrative expenses shall not include net equipment expense, net capital outlay, debt service principal and interest, and payments to other state or local offices which are assigned, but not limited to, specific road construction projects or maintenance activities.

(22) In addition to the financial compliance audits required by law, the department of treasury shall conduct performance audits and make investigations of the disposition of all state funds received by county road commissions, county boards of commissioners, or any other county governmental agency acting as the county road authority, for transportation purposes to determine compliance with the terms and conditions of this act. Performance audits shall be conducted according to government auditing standards issued by the United States general accounting office. The department of treasury shall provide 6 months notice to the county road commission or county board of commissioners, as applicable, of the standards to be used for audits performed under this subsection ~~prior to~~ BEFORE the fiscal year in which the audit is conducted. The department shall notify the county road commission or county board of commissioners of any subsequent changes to the standards. County road commissions or county boards of commissioners, as applicable, shall make available to the department of treasury the pertinent records for the audit.

(23) AS USED IN THIS SECTION, "TOTAL LANE MILEAGE" MEANS THE SUM TOTAL OF THE LANES OF ROADS IN THE COUNTY PRIMARY ROAD SYSTEM OR THE COUNTY LOCAL ROAD SYSTEM, AS APPLICABLE.

Sec. 13. (1) The amount distributed to cities and villages shall be returned to the treasurers of the cities and villages in the manner, for the purposes, and under the terms and conditions specified in this section. As used in this section, "population" means the population according to the most recent statewide federal census as certified at the beginning of the state fiscal year, except that, if a municipality has been newly incorporated since completion of the census, the population of the municipality for purposes of the distribution of funds before completion of the next census shall be the population as determined by special federal census, if there is a census, and if not, by the population as determined by the official census in connection with the incorporation, if there is such a census and, if not, by a special state census to be taken at the expense of the municipality by the secretary of state pursuant to section 6 of the home rule city act, 1909 PA 279, MCL 117.6. The amount received by the newly incorporated municipality shall be in place of any other direct distribution of funds from the Michigan transportation fund. The population of the newly incorporated municipality as determined under this section shall be added to the total population of all incorporated cities and villages in the state in computing the amounts to be returned under this section to each municipality in the state. Major street mileage, local street mileage, and equivalent major mileage, if applicable, shall be determined by the state transportation department before the next month for which distribution is made following the effective date of incorporation of a newly incorporated municipality.

(2) From the amount available for distribution to cities and villages during each December, an amount equal to 0.7% of the total amount returned to all cities and villages under subsections (3) and (4) during the previous calendar year shall be withheld. The amount withheld shall be used to partially reimburse those cities and villages located in those counties that are eligible for snow removal funds pursuant to section 12a and that have costs for winter maintenance on major and local streets that are greater than the statewide average. The distributions shall be made annually during February and shall be calculated separately for the major and local street systems but may be paid in a combined warrant. The distribution to a city or village shall be equal to  $\frac{1}{2}$  of its winter maintenance expenditures after deducting the product of its total earnings under subsections (3) and (4) multiplied by 2 times the average municipal winter maintenance factor. Winter maintenance expenditures shall be determined from the street financial reports for the most current fiscal years ending before July 1. A city or village that does not submit a street financial report for the fiscal year ending before July 1 by the subsequent December 31 shall be ineligible for the winter maintenance payment that is to be based on that street financial report. The average municipal winter maintenance factor shall be determined annually by the state transportation department by dividing the total expenditures of all cities and villages on winter maintenance of streets and highways by the total amount earned by all cities and villages under subsections (3) and (4) during the 12 months. If the sum of the distributions to be made under this subsection exceeds the amount withheld, the distributions to each eligible city and village shall be reduced proportionately. If the sum is less than the amount withheld, the balance shall be added to the amount available for distribution under subsections (3) and (4) during the next month. The distributions shall be for use on the major and local street systems respectively and shall be subject to the same provisions as funds returned under subsections (3) and (4).

(3) Seventy-five percent of the remaining amount to be returned to the cities and villages, after deducting the amounts withheld pursuant to subsection (2), shall be returned 60% in the same proportion that the population of each bears to the total population of all cities and villages, and 40% in the same proportion that the equivalent major mileage in each bears to the total equivalent major mileage in all cities and villages. As used in this section, "equivalent major mileage" means the sum of 2 times the state trunk line mileage OR LANE MILEAGE, WHICHEVER IS GREATER, certified by the state transportation department as of March 31 of each year, as being within the boundaries of each city and village having a population of 25,000 or more, plus the major street mileage in each city and village, multiplied by the following factor:

- 1.0 for cities and villages of 2,000 or less population;
- 1.1 for cities and villages from 2,001 to 10,000 population;
- 1.2 for cities and villages from 10,001 to 20,000 population;
- 1.3 for cities and villages from 20,001 to 30,000 population;
- 1.4 for cities and villages from 30,001 to 40,000 population;
- 1.5 for cities and villages from 40,001 to 50,000 population;
- 1.6 for cities and villages from 50,001 to 65,000 population;
- 1.7 for cities and villages from 65,001 to 80,000 population;
- 1.8 for cities and villages from 80,001 to 95,000 population;
- 1.9 for cities and villages from 95,001 to 160,000 population;

2.0 for cities and villages from 160,001 to 320,000 population; and for cities over 320,000 population, by a factor of 2.1 increased successively by 0.1 for each 160,000 population increment over 320,000. The amount returned under this subsection shall be used by each city and village for the following purposes in the following order of priority:

(a) For the payment of contributions required to be made by a city or village under the provisions of contracts previously entered into under 1941 PA 205, MCL 252.51 to 252.64, which contributions have been previously pledged for the payment of the principal and interest on bonds issued under that act; or for the payment of the principal and interest upon bonds issued by a city or village pursuant to 1952 PA 175, MCL 247.701 to 247.707.

(b) Payment of obligations of the city or village on highway projects undertaken by the city or village jointly with the state transportation department.

(c) For the payment of principal and interest upon loans received pursuant to section 11(7), to the extent other funds have not been made available for that payment.

(d) For the maintenance, improvement, construction, reconstruction, acquisition, and extension of the major street system as defined by this act including the acquisition of a necessary right of way for the system, work incidental to the system, and an appurtenant roadside park or motor parkway, of the city or village and for the payment of the principal and interest on that portion of the city's or village's general obligation bonds which are attributable to the construction or reconstruction of the city's or village's major street system. Not more than 5% per year of the funds returned to a city or village by this subsection shall be expended for the maintenance, improvement, or acquisition of appurtenant roadside parks and motor parkways. Surplus funds may be expended for the development, construction, or repair of off-street parking facilities, and the construction or repair of street lighting.

(4) The remaining amount to be returned to incorporated cities and villages shall be expended in each city or village for the maintenance, improvement, construction, reconstruction, acquisition, and extension of the local street system of the city or village, as defined by this act, including the acquisition of a necessary right of way for the system, work incidental to the system, and subject to subsection (5), for the payment of the principal and interest on that portion of the city's or village's general obligation bonds which are attributable to the construction or reconstruction of the city's or village's local street system. The amount returned under this subsection shall be returned to the cities and villages 60% in the same proportion that the population of each bears to the total population of all incorporated cities and villages in the state, and 40% in the same proportion that the total mileage OR TOTAL LANE MILEAGE, WHICHEVER IS GREATER, of the local street system of each bears to the total mileage OR TOTAL LANE MILEAGE, WHICHEVER IS GREATER, in the local street systems of all cities and villages of the state. The payment of the principal and interest upon bonds issued by a city or village pursuant to 1952 PA 175, MCL 247.701 to 247.707, and after that payment, the payment of debt service on loans received under section 11(7), shall have priority in the expenditure of money returned under this subsection.

(5) Money distributed to each city and village for the maintenance and improvement of its local street system under this act represents the total responsibility of the state for local street system support. Funds distributed from the Michigan transportation fund shall not be expended for construction purposes on city and village local streets except to the extent matched from local revenues including other money returned to a city or village by the state under the state constitution of 1963 and statutes of the state, from funds that can be raised by taxation in cities and villages for street purposes within the limitations of the state constitution of 1963 and statutes of the state, from special assessments, or from any other source. This subsection does not apply to section 11b.

(6) Money returned under this section to a city or village shall be expended on the major and local street systems of that city or village. However, the first priority shall be the major street system. Money returned for expenditure on the major street system may be expended on the local street system in an amount equal to the amount of local revenues, as provided in subsection (5), expended by the city or village on the major street system or on state trunk line highways, and to the extent that that amount of major street money is not transferred for expenditure on the local street system in that year, major street money received during the next succeeding 2 years may be transferred for expenditure on the local system until the amount so authorized for transfer is fully expended. If a city or village transfers more than 25% of its major street funding for the local street system, the city or village shall adopt a resolution with a copy to the department setting forth all of the following:

(a) A list of the major streets in that city or village.

(b) A statement that the city or village is adequately maintaining its major streets.

(c) The dollar amount of the transfer.

(d) The local streets to be funded with the transfer.

(7) Not more than 10% per year of all of the funds returned to a city or village from any source for the purposes of this section may be expended for administrative expenses. As used in this subsection, "administrative expenses" means those expenses that are not assigned including, but not limited to, specific road construction or maintenance projects and are often referred to as general or supportive services. Administrative expenses shall not include net equipment expense, net capital outlay, debt service principal and interest, and payments to other state or local offices that are assigned, but not limited to, specific road construction projects or maintenance activities. A city or village which in a year expends more than 10% for administrative expenses shall be subject to section 14(5).

(8) In each city and village to which funds are returned under this section, the responsibility for street improvement, maintenance, and traffic operation work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the state transportation department pursuant to this act.

(9) Cities and villages may provide for consolidated street administration. A city or a village may enter into an agreement with other cities or villages, the county road commission, or with the state transportation commission for the performance of street or highway work on a road or street within the limits of the city or village or adjacent to the city or village. The agreement may provide for the performance by any of the contracting parties of the work contemplated by the contracts including services and acquisition of rights of way, by purchase or condemnation by any of the contracting parties in its own name. The agreement may provide for joint participation in the costs if appropriate.

(10) Interest earned on funds returned to a city or a village for purposes provided in this section shall be credited to the appropriate street fund.

(11) In addition to the financial compliance audits required by law, the department of treasury shall conduct performance audits and make investigations of the disposition of all state funds received by cities and villages for transportation purposes to determine compliance with the terms and conditions of this act. Performance audits shall be conducted according to government auditing standards issued by the United States general accounting office. The department of treasury shall provide notice to cities and villages of the standards to be used for audits under this subsection prior to the fiscal year in which the audit is conducted. The department shall notify cities and villages of any subsequent changes to the standards. Cities and villages shall make available to the department of treasury the pertinent records for the audit.

(12) AS USED IN THIS SECTION, "LANE MILEAGE" OR "TOTAL LANE MILEAGE" MEANS THE SUM TOTAL OF LANES OF STATE TRUNK LINE HIGHWAYS WITHIN THE BOUNDARIES OF A CITY OR VILLAGE OR THE SUM TOTAL NUMBER OF LANES OF STREETS OF THE LOCAL STREET SYSTEM OF A CITY OR VILLAGE, WHICHEVER IS APPLICABLE."

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

Senator Dingell 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. 402**

**Yeas—12**

Bennett	Hart	Leland	Murphy
DeBeaussaert	Jaye	McCotter	Peters
Dingell	Johnson	Miller	Vaughn

**Nays—21**

Bullard	Gast	McManus	Shugars
Byrum	Goschka	North	Sikkema
Cherry	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	Koivisto	Schwarz	Young
Emerson			

**Excused—2**

Hammerstrom	Smith, V.
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**Not Voting—3**

Emmons	Smith, A.	Steil
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In The Chair: Schwarz

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

Senator Hammerstrom entered the Senate Chamber.

Senator Dingell offered the following amendment:

1. Amend page 8, following line 22, by inserting:

“SEC. 17B. THE DEPARTMENT SHALL NOTIFY EACH LEGISLATOR REPRESENTING A DISTRICT IN WHICH A STATE OWNED ASSET IN WHICH THE STATE INVESTED \$1,000,000.00 OR MORE IS TRANSFERRED TO A PRIVATE BUSINESS FOR ITS EXCLUSIVE USE. THE NOTIFICATION SHALL INCLUDE THE CURRENT VALUE OF THE ASSET.”.

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

Senator Hoffman 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. 403**

**Yeas—19**

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

**Nays—17**

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

**Excused—2**

Emmons	Smith, V.
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**Not Voting—0**

In The Chair: Schwarz

Senator Emmons entered the Senate Chamber.

The question being on the passage of the bill,

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

**Roll Call No. 404**

**Yeas—26**

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



**Nays—11**

Cherry  
DeBeaussaert  
Dingell

Emerson  
Leland  
Miller

Murphy  
Peters  
Smith, A.

Vaughn  
Young

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

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

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending sections 10, 10o, and 11 (MCL 247.660, 247.660o, and 247.661), sections 10 and 11 as amended and section 10o as added by 1998 PA 308, and by adding section 20b.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Young’s statement is as follows:

I’m happy today to have with me on the floor, at my desk, the daughter of “Turkey” Stearnes, who this body supported in the induction to the Hall of Fame as a high-powered, bat-swinging, terrific athlete who helped produce a very beautiful daughter, who’s sitting at the desk with me, Ms. Rosilyn Stearnes Brown. I would appreciate it if the membership would welcome her here today on the behalf of her father, “Turkey” Stearnes, the Hall of Fame individual we supported.

Senator Hoffman’s statement is as follows:

This is a contentious issue; it has been for a long time, and we’re finally going to deal with it today. I’m not pleased with the final product. I think that the Senate could have done better. We’ve worked on this issue, Senator Young and myself, for over a year now. It’s Public Act No. 51—the funding committee in which this Legislature approved and, as

a matter of fact, that report's out this very morning. The report has about two dozen recommendations. I'm pleased to report that we did follow one of their recommendations and, that was to not change the formula and to remove the sunset. Outside of that, we pretty much disregarded what they said in there. They believe that it would be good to take a look at public transit. That's an issue we ducked 100 percent; we didn't even touch it. The public transit funding committee was a recommendation from the committee, and that was to be used to help us find deficiencies in public transportation. Asset management—we had an opportunity there to take and have that as part of our package. We walked away from it. I've seen this Legislature do some great work, and this bill will simply make certain of the fact that transportation funding formula remains in place.

We have done an admirable job of protecting the status quo. I don't think we've done a very good job in representing the best interest of the people of the state of Michigan. Sometimes as a Legislature we have to do more than represent our own parochial interests. We have to do more than represent our own territorial interests. We have to do more than represent the people of our legislative districts. Sometimes we have to act as leaders, and sometimes we have to represent all the people of the state of Michigan. Well, I was ready to represent not only the people of the 19th District, but the Constitution of the state of Michigan and the people of this state. I think the people deserve better! My prayer is that the House of Representatives will do just that and build upon what it is we're hopefully going to send over to them. I'd ask for your support.

The following bill was read a third time:

**Senate Bill No. 651, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, 9121, and 9123 (MCL 324.9101, 324.9104, 324.9105, 324.9106, 324.9107, 324.9108, 324.9109, 324.9110, 324.9112, 324.9113, 324.9115, 324.9117, 324.9118, 324.9119, 324.9120, 324.9121, and 324.9123), sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, and 9123 as added by 1995 PA 60 and section 9121 as amended by 1996 PA 173, and by adding section 9123a; 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. 405**

**Yeas—36**

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

**Nays—1**

Jaye

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5484, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1103, 2402, 2403, 2404, 2517, 3805, 3807, 3987, 3988, 7503, and 7508 (MCL 700.1103, 700.2402, 700.2403, 700.2404, 700.2517, 700.3805, 700.3807, 700.3987, 700.3988, 700.7503, and 700.7508), sections 1103 and 3807 as amended by 2000 PA 54.

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. 406**

**Yeas—35**

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

**Nays—2**

Peters	Smith, A.
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**Excused—1**

Smith, V.

**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 codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 806, entitled**

A bill to authorize a county, city, village, or township law enforcement agency to enter into mutual aid agreements with law enforcement agencies of a physically adjacent state; to prescribe the minimum terms of the mutual aid agreements; and to provide immunity from civil and criminal actions to certain persons.

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. 407**

**Yeas—36**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars

Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Johnson  
Koivisto

McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette

Sikkema  
Smith, A.  
Steil  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—1**

Jaye

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1184, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 2b to chapter IV.

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. 408**

**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.  
Steil  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—1**

Jaye

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5260, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 35 (MCL 205.735), as amended by 1994 PA 254.

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. 409**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**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 create the tax tribunal; to provide for personnel, jurisdiction, functions, practice and procedure; to provide for appeals; and to prescribe the powers and duties of certain state agencies; and to abolish certain boards,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5653, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1999 PA 181.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 10, following line 12, by inserting:

"(Z) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 1999, DEDUCT THE FOLLOWING AMOUNTS AS APPLICABLE:

(i) FOR THE FIRST 3 YEARS THAT A TAXPAYER WITH ADJUSTED GROSS INCOME OF \$60,000.00 OR LESS MAKES CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS PURSUANT TO THE MICHIGAN EDUCATION SAVINGS PROGRAM ACT, THE AMOUNT OF CONTRIBUTIONS OF \$500.00 OR LESS THAT ARE DEDUCTIBLE UNDER SUBDIVISION (W)(i), MULTIPLIED BY 10.

(ii) FOR THE FIRST 3 YEARS THAT A TAXPAYER WITH ADJUSTED GROSS INCOME OF \$60,000.00 OR LESS MAKES CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS PURSUANT TO THE MICHIGAN EDUCATION SAVINGS PROGRAM ACT, AN AMOUNT EQUAL TO THE CONTRIBUTIONS OF MORE THAN \$500.00 THAT ARE DEDUCTIBLE UNDER SUBDIVISION (W)(i), NOT TO EXCEED \$5,000.00 FOR A SINGLE RETURN OR \$10,000.00 FOR A JOINT RETURN FOR THE TAX YEAR."

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

Senator Emerson 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. 410****Yeas—17**

Byrum  
Cherry  
DeBeaussaert  
Dingell  
Emerson

Goschka  
Hart  
Jaye  
Koivisto

Leland  
Miller  
Murphy  
Peters

Schwarz  
Smith, A.  
Vaughn  
Young

**Nays—20**

Bennett  
Bullard  
DeGrow  
Dunaskiss  
Emmons

Gast  
Gougeon  
Hammerstrom  
Hoffman  
Johnson

McCotter  
McManus  
North  
Rogers  
Schuette

Shugars  
Sikkema  
Steil  
Stille  
Van Regenmorter

**Excused—1**

Smith, V.

**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. 411****Yeas—37**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette

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

**Nays—0****Excused—1**

Smith, V.

**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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5654, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 30f.

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. 412**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5252, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20155 (MCL 333.20155), as amended by 1996 PA 267.

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. 413**

**Yeas—37**

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith, A.
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Hoffman	North	Stille

Dingell  
Dunaskiss  
Emerson  
Emmons

Jaye  
Johnson  
Koivisto

Peters  
Rogers  
Schuette

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—1**

Smith, V.

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5460, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20151 and 20155 (MCL 333.20151 and 333.20155), section 20155 as amended by 1996 PA 267.

The question being on the passage of the bill,

Senator Shugars offered the following amendment:

1. Amend page 9, line 19, after “GROUPS,” by inserting “THE AMERICAN MEDICAL DIRECTORS ASSOCIATION;”.

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. 414**

**Yeas—37**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette

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



**Nays—0**

**Excused—1**

Smith, V.

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5682, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16621 (MCL 333.16621), as amended by 1998 PA 436.

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. 415**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

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

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 911, entitled**

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending section 20 (MCL 431.320), as amended by 1997 PA 73.

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. 416**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

**Senate Bill No. 796, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 261 (MCL 206.261), as amended by 1996 PA 484.

Substitute (H-1).

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 2, line 9, after "2000 TAX YEAR AND" by striking out "\$150.00 OR \$300.00" and inserting "\$100.00 OR \$200.00".

The question being on the adoption of the amendment,

Senator Schuette requested the yeas and nays.

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

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

**Roll Call No. 417****Yeas—20**

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

**Nays—16**

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

**Excused—1**

Smith, V.

**Not Voting—1**

Jaye

In The Chair: Schwarz

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. 418****Yeas—36**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—1**

Bullard

In The Chair: Schwarz

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

Senators Gougeon, Bennett, Steil, Van Regenmorter, McCotter, Emmons and Miller moved that they be named co-sponsors of the following bill:

**Senate Bill No. 796**

The motion prevailed.

**Senate Bill No. 599, entitled**

A bill to create the Michigan education savings program; to provide for education savings accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax credits or deductions; and to provide for penalties and remedies.

Substitute (H-2).

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

Senator Peters offered the following amendment to the substitute:

1. Amend page 5, line 2, after “which” by striking out the comma and “for the first year of the program.”.

The amendment to the substitute was not adopted.

Senator Peters requested the yeas and nays.

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

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

**Roll Call No. 419**

**Yeas—18**

Byrum  
Cherry  
DeBeaussaert  
Dingell  
Emerson

Goschka  
Hammerstrom  
Hart  
Jaye  
Koivisto

Leland  
Miller  
Murphy  
Peters

Schwarz  
Smith, A.  
Vaughn  
Young

**Nays—19**

Bennett  
Bullard  
DeGrow  
Dunaskiss  
Emmons

Gast  
Gougeon  
Hoffman  
Johnson  
McCotter

McManus  
North  
Rogers  
Schuette  
Shugars

Sikkema  
Steil  
Stille  
Van Regenmorter

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

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. 420****Yeas—37**

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

**Nays—0****Excused—1**

Smith, V.

**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. 1136, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by repealing section 304 (MCL 257.304).

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. 1137, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 314 (MCL 257.314), as amended by 1989 PA 299.

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. 1008, entitled**

A bill to amend 1995 PA 266, entitled "An act to authorize and regulate credit card transactions involving local units of government, including the use of credit cards by officers and employees of local units of government; and to provide for powers and duties of certain state and local agencies, officers, and employees," by amending section 1 (MCL 129.241).

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. 1200, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 514.

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. 1164, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 75 (MCL 421.75), as amended by 1997 PA 90.

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

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

**Resolutions**

By unanimous consent the Senate proceeded to consideration of the following concurrent resolution:

**House Concurrent Resolution No. 91.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Saginaw Valley State University relative to the Saginaw Valley State University Classroom Facility.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 421****Yeas—36**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—1**

Sikkema

In The Chair: Schwarz

**House Concurrent Resolution No. 92.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and North Central Michigan College relative to the North Central Michigan College Multipurpose Educational Facility and General Campus Renovations.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

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

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 422****Yeas—36**

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

**Nays—0****Excused—2**

Sikkema

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

Senator Rogers moved that further consideration of the following concurrent resolution be postponed temporarily:

**House Concurrent Resolution No. 93**

The motion prevailed.

**House Concurrent Resolution No. 94.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Agriculture Geagley Laboratory.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 423****Yeas—36**

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

**Nays—0****Excused—2**

Sikkema	Smith, V.
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**Not Voting—0**

In The Chair: Schwarz

**House Concurrent Resolution No. 95.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Multilevel Correctional Facility at Ionia.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 424****Yeas—36**

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



**Nays—0**

**Excused—2**

Sikkema

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

**House Concurrent Resolution No. 96.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Cooper Street Correctional Facility Additional Housing Units.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

Senator Sikkema entered the Senate Chamber.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 425**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

**House Concurrent Resolution No. 97.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Michigan College relative to the Lake Michigan College Financial and Student Services Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 426**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

**House Concurrent Resolution No. 98.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Michigan State University relative to the Michigan State University Science Building Renovations.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 427**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

**House Concurrent Resolution No. 99.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn General Campus Classroom Renovations (Phase III) College of Arts, Sciences & Letters.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 428**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

**House Concurrent Resolution No. 100.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn General Campus Classroom Renovations (Phase III) Environmental Interpretive Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 429****Yeas—37**

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

**Nays—0****Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

**House Concurrent Resolution No. 101.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Flint Professional Studies and Classroom Building.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 430****Yeas—37**

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

**Nays—0****Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

**House Concurrent Resolution No. 102.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Macomb Community College relative to the Macomb Community College University Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 431**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

By unanimous consent the Senate returned to consideration of the following concurrent resolution:

**House Concurrent Resolution No. 93.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Family Independence Agency W.J. Maxey Training School.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 432**

**Yeas—37**

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars

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

**Nays—0**

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

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 Sikkema as Chairperson.

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

**Senate Bill No. 1245, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7dd, 7ee, 10, 10d, 10f, 24, 24a, 24b, 24c, 27a, 27b, 27c, 31, 34, 34c, 34d, 42, 44, and 53b (MCL 211.7dd, 211.7ee, 211.10, 211.10d, 211.10f, 211.24, 211.24a, 211.24b, 211.24c, 211.27a, 211.27b, 211.27c, 211.31, 211.34, 211.34c, 211.34d, 211.42, 211.44, and 211.53b), sections 7dd, 7ee, 10f, 24c, 27a, 27b, 34c, and 34d as amended and section 27c as added by 1996 PA 476, sections 10, 24, and 24b as amended by 1994 PA 415, section 10d as amended by 1984 PA 19, section 34 as amended by 1986 PA 105, section 44 as amended by 1996 PA 57, and section 53b as amended by 1995 PA 74, and by adding sections 7gg, 27e, 28a, 29a, 30d, 30e, 32a, and 33a; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 31, following line 24, by inserting:

“(iv) A QUALIFIED SALE. A QUALIFIED SALE SHALL NOT BE PRESUMED TO BE BETTER EVIDENCE OF AGRICULTURAL USE VALUE THAN THE CONSIDERATIONS SET FORTH IN SUBPARAGRAPHS (i), (ii), AND (iii).”.

2. Amend page 32, following line 6, by inserting:

“(G) “QUALIFIED SALE” MEANS THE SALE PRICE OF PROPERTY WITH COMPARABLE AGRICULTURAL CHARACTERISTICS. A SALE OF PROPERTY IS A QUALIFIED SALE ONLY IF ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED, WHICH CONDITIONS SHALL BE GIVEN EQUAL WEIGHT PROVIDED ADEQUATE DATA IS AVAILABLE TO THE APPROPRIATE ASSESSING OFFICER:

(i) THE SALE WAS AN ARM’S LENGTH TRANSACTION.

(ii) THE PROPERTY SOLD WAS NOT LESS THAN 60 ACRES.

(iii) THE SALE PRICE WAS NOT MORE THAN 3 TIMES THE STATE EQUALIZED VALUATION OF THE PROPERTY IN THE YEAR OF THE SALE.

(iv) THE PROPERTY SOLD WAS NOT LOCATED IN AN AREA SUBJECT TO DEVELOPMENTAL PRESSURE.

- (v) THE PURCHASER INTENDS TO USE THE PROPERTY FOR AGRICULTURAL USE.
- (vi) THE SALE PRICE IS ADJUSTED FOR ALL OF THE FOLLOWING FACTORS:
  - (A) A HOMESTEAD AND ANY NONFARM RELATED BUILDINGS ON THE PROPERTY. AS USED IN THIS SUB-SUBPARAGRAPH, "HOMESTEAD" MEANS PROPERTY EXEMPT UNDER SECTION 7CC.
  - (B) SOIL, TOPOGRAPHICAL, AND CLIMATIC CHARACTERISTICS.
  - (C) DRAINAGE.
  - (D) PERSONAL PROPERTY INCLUDED IN THE SALE PRICE, INCLUDING GROWING CROPS.
  - (E) THE VALUE OF EXEMPT TREES, BUSHES, VINES, AND PLANTS." and relettering the remaining subdivision.

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

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

**Senate Bill No. 1247, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 362.

Substitute (S-2).

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

1. Amend page 23, line 16, after "PRESERVATION" by inserting "OR THE COUNTY IS INCLUDED WITHIN A REGIONAL PLAN THAT WAS PREPARED WITHIN THE LAST 10 YEARS THAT INCLUDES A PLAN FOR AGRICULTURAL PRESERVATION".

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

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

**Senate Bill No. 1246, entitled**

A bill to impose a state recapture tax on the change in use of certain agricultural property; to provide for the administration of this act; to prescribe the powers and duties of certain state and local officers; to provide for the collection and distribution of the recapture tax; and to prescribe penalties and provide remedies.

Substitute (S-3).

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

1. Amend page 2, line 8, after "means" by striking out "that" and inserting "1 or more of the following:
  - (i) That".

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

"(ii) If, prior to a transfer of qualified agricultural property, the purchaser files a notice of intent to rescind the qualified agricultural property exemption under section 7ee of the general property tax act, 1893 PA 206, MCL 211.7ee, with the local tax collecting unit and delivers a copy of that notice to the seller of the qualified agricultural property, the property has been converted by a change in use. The notice of intent to rescind the qualified agricultural property exemption shall be on a form prescribed by the department of treasury. If the sale is not consummated within 120 days of the filing of the notice under this subdivision or within 120 days of a subsequent filing of the notice under this subdivision, then the property is not converted by a change in use under this subdivision."

3. Amend page 3, line 1, by striking out all of section 3 and inserting:

"Sec. 3. (1) Beginning January 1, 2003, a recapture tax is imposed as provided in this section if the qualified agricultural property meets all of the following conditions:

(a) The property was qualified agricultural property on January 1, 2003 or became qualified agricultural property after January 1, 2003.

(b) The property is converted by a change in use.

(2) If a recapture tax is imposed because qualified agricultural property is converted by a change in use as described under subsection (2)(b)(i), the person who is the owner of the property when the recapture tax is imposed is liable for the recapture tax imposed under this act. If the recapture tax is not paid within 90 days of the date it is imposed, the county treasurer in which the property is located or the treasurer may bring a civil action against the owner of the property as of the date the recapture tax was imposed to collect the recapture tax. If a recapture tax is imposed on the owner of the property under this subsection, the recapture tax is a lien on the real property subject to the recapture tax until paid. If the recapture tax is not paid within 90 days of the date it is imposed, the recapture tax may be collected by the county treasurer of the county in which the property is located in the same manner as delinquent taxes are collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.





**Senate Bill No. 893, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1998 PA 547.

The House of Representatives has amended the bill as follows:

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

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

(a) House Bill No. 5185.

(b) House Bill No. 5186.

(c) House Bill No. 5187."

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

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

**Senate Bill No. 894, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145d (MCL 750.145d), as added by 1999 PA 32.

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 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 145d (MCL 750.145d), as amended by 1999 PA 235.

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

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 Assistant President pro tempore, Senator Hoffman, designated Senator Hoffman as Chairperson.

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

**Senate Bill No. 1275, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 358 (MCL 18.1358).

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

1. Amend page 2, line 3, by striking out subsection (3) and inserting:

"(3) FOR EACH FISCAL YEAR, BEGINNING WITH THE FISCAL YEAR ENDING SEPTEMBER 30, 2001, AND ENDING WITH THE FISCAL YEAR ENDING SEPTEMBER 30, 2016, THERE IS APPROPRIATED AND TRANSFERRED FROM THE FUND TO THE STATE TRUNKLINE FUND ESTABLISHED UNDER SECTION 11 OF 1951 PA 51, MCL 247.661, THE SUM OF \$35,000,000.00."

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.

By unanimous consent the Senate returned to the order of

**Messages from the House****Senate Bill No. 966, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The House of Representatives has substituted (H-1) the bill.  
The House of Representatives has passed the bill as substituted (H-1).  
Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 967, 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, 2001; 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 substituted (H-1) the bill.  
The House of Representatives has passed the bill as substituted (H-1).  
Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 963, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2001; to provide for the expenditures 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.

The House of Representatives has substituted (H-1) the bill.  
The House of Representatives has passed the bill as substituted (H-1).  
Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 965, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has substituted (H-2) the bill.  
The House of Representatives has passed the bill as substituted (H-2).  
Pursuant to rule 3.202, the bill was laid over one day.

**House Bill No. 5284, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2001; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Scranton, Jellema and Stallworth as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5282, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2001; 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 nonconcurrent in the Senate substitute (S-1) and appointed Reps. Cameron Brown, Pappageorge and Frank as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5280, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; 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 nonconcurrent in the Senate substitute (S-1) and appointed Reps. Cameron Brown, Pappageorge and Frank as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5279, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Mortimer, Cameron Brown and Pestka as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5278, entitled**

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2001; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Pappageorge, Kukuk and Martinez as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5277, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Jansen, Toy and Price as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5273, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Pumford, Jelinek and Tesanovich as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5274, entitled**

A bill to make appropriations for the department of career development and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Kukuk, Godchaux and Prusi as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5281, entitled**

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

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

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-2) and ordered that the bill be given immediate effect.

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

By unanimous consent the Senate returned to the order of

**Resolutions**

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

**Senate Resolution No. 177**

The resolution consent calendar was adopted.

Senators DeBeaussaert, DeGrow and Jaye offered the following resolution:

**Senate Resolution No. 177.**

A resolution honoring the Richmond High School Wrestling Team, 2000 Division III State Champions.

Whereas, It is with deep respect and admiration that we acknowledge the accomplishments of the Richmond High School Blue Devils Wrestling Team. The Blue Devils Wrestling Team is the first-ever male team in school history to win a state title. This championship team defeated Brooklyn Columbia Central High School in Battle Creek to become the 2000 Division III State Champions; and

Whereas, The Blue Devils completed its season with an outstanding record of 36-7. Five of their losses came from teams which wrestled in various divisions in the state finals. Their talent, teamwork, and determination have earned the respect of fans across the state; and

Whereas, We honor head coach George Hamblin; his assistant coaches, Gary Ranger, Mike Aiello, Brian Schwartz; and the team members, Richard Bastien, Grant Beauman, Lee Bertossi, Nicholas Bohm, John Patrick Casey, Patrick Hathon, Joseph Jurcak, Abraham Kaminski, Robert Kluck, Jacob Lott, Thomas Martindale, Joey Morse, Donald Miller, Christopher Northey, Justin Perry, Reed Petitpren, Michael Poppe, Adam Pradko, David Pradko, Brian Ranger, Joseph Riedel, Gregory Scheuer, Patrick Schweiger, Kyle Silver, Timothy Spruyette, Mark Swantek, John Swartz, Kenneth Thomas, Salvatore Ventimiglia, and Lance Whitney; and

Whereas, The team has much to be proud of. Their hard work and commitment have created a memorable season which culminated in the state championship; now, therefore, be it

Resolved by the Senate, That our congratulations and praise be accorded to the Richmond High School Wrestling Team in recognition of their outstanding season and 2000 Division III state championship title; and be it further

Resolved, That a copy of this resolution be transmitted to the members and coaches of the Richmond High School Blue Devils Wrestling Team as evidence of our admiration and esteem with best wishes for continued success in all of their future endeavors.

Senators Hammerstrom, Johnson, DeGrow and Gougeon offered the following resolution:

**Senate Resolution No. 178.**

A resolution to oppose the Department of Community Health proceeding with any competitive bid process for specialty services without the enactment of enabling legislation.

Whereas, The Michigan Constitution (Article VIII, Section 8) states "Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously disabled shall always be fostered and supported"; and

Whereas, The Michigan Mental Health Code, 1974 PA 258, provides for the establishment of a state department (Department of Community Health) in order to fulfill the state's obligations. Section 116 of the Code, being MCL § 330.1116, provides, in subsection (2)(b), for this department "...to shift primary responsibility for the direct delivery of public mental health services from the state to a community mental health services program whenever the community mental health services program has demonstrated a willingness and capacity to provide an adequate and appropriate system of mental health services for the citizens of that service area"; and

Whereas, Michigan counties, at the direction of and with full knowledge and support of the state, have been successfully involved in the delivery of mental health care since 1963. In actively pursuing these efforts, the counties have assumed long-term local obligations to facilitate infrastructure and program development for the delivery of mental health services; and

Whereas, The diverse and vulnerable populations addressed in the Department of Community Health's position paper on Competition for Management of Publicly Funded Specialty Services require specialized care by appropriate professional staff and tailored individual and family treatment plans; and

Whereas, It is highly questionable that the assumptions made using a "one size fits all" concept in developing the plan set forth in the department's position paper are in the best interest of those populations needing such diverse services; and

Whereas, There is mounting concern regarding the scope of services to be included in the contracts as well as the regional concept, yet to be defined, compared to the current systems for care delivery; and

Whereas, These concerns focus on anticipated problems with transportation access and increased costs, potential for diminished personalized services, increased response times in emergencies, and multiple other service delivery issues associated with the proposed concept and resultant changes; now, therefore, be it

Resolved by the Senate, That we oppose the Department of Community Health proceeding with any competitive bid process for specialty services without the enactment of enabling legislation; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Community Health.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Families, Mental Health and Human Services.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

#### **Introduction and Referral of Bills**

Senators Byrum, Dingell, Peters, Cherry, Miller, Leland, V. Smith, Murphy, A. Smith, Young, DeBeaussaert and Koivisto introduced

#### **Senate Bill No. 1302, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1999 PA 181; 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 Finance.

#### **House Bill No. 4362, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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

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

#### **House Bill No. 5063, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 1999 PA 241.

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 Health Policy.

#### **House Bill No. 5321, entitled**

A bill to amend 1959 PA 203, entitled "Emergency interim local succession act," by amending sections 4 and 5 (MCL 31.104 and 31.105); and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.  
The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

**House Bill No. 5509, entitled**

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending section 2 (MCL 408.652), as amended by 1998 PA 507, and by adding sections 18, 19, and 20.

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 Economic Development, International Trade and Regulatory Affairs.

**House Bill No. 5549, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 653a.

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 Transportation and Tourism.

**House Bill No. 5570, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 3 (MCL 290.643), as amended by 1993 PA 231.

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 Farming, Agribusiness and Food Systems.

**House Bill No. 5677, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411r.

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

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

**House Bill No. 5803, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20175 (MCL 333.20175), as amended by 1993 PA 79.

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

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

**House Bill No. 5813, entitled**

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

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

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

**House Bill No. 5825, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21773 (MCL 333.21773). The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Health Policy.

**House Bill No. 5826, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506d. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Health Policy.

**House Bill No. 5827, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21720c.

The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Health Policy.

### Statements

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

The motion prevailed.

Senator Byrum's statement is as follows:

Earlier today we passed House Bill No. 5460, a bill to improve the inspection process for nursing homes. This bill will benefit Michigan seniors. The bill is important as it recognizes that Michigan has 50,000 nursing home residents in 456 nursing homes around the state. Each of these homes undergoes an inspection from the state of Michigan approximately once per year. The bill will improve the inspection process by improving communication between inspectors and nursing home administrators.

In 1997, Michigan inspectors cited 35 percent of our nursing homes for not preventing bed sores, 23 percent for inadequate supervision, and 26 percent for failing to provide basic personal care. It is my hope that this bill will lead to improved quality of care in homes, and thus, a reduction in the number of citations issued to nursing homes. Although this bill is just one of many that is needed to make significant improvements to the quality of care in nursing homes, it is an excellent first step forward. As a co-sponsor of the Senate version of this bill and a strong supporter of it, I thank you for your vote earlier today.

I would also like to acknowledge that earlier today—and you just read in—I just introduced a bill that would exempt unemployment benefits from the Michigan income tax act. I believe that this is an important bill, and it follows through the commitment that I made earlier this year of my intent to introduce this bill following the defeat of an amendment I offered. We currently require persons who are in an unfortunate situation of being without employment to still pay income taxes. This is not fair, and it must be changed. My bill will enable persons who are in the unfortunate position of being unemployed to not have to pay taxes on their unemployment benefits. I hope this bill will move quickly through the process.

### Scheduled Meetings

**Families, Mental Health and Human Services** - Thursday, June 1, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building; and Monday, June 5, 2:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-3543)

**Farming, Agribusiness and Food Systems** - Wednesday, June 7, 8:30 a.m., Room 810, Farnum Building (373-1725)

**Technology and Energy** - Thursday, June 1, 9:00 a.m., Rooms 402 and 403, Capitol Building (373- 2417)

**Transportation and Tourism** - Thursday, June 1, 9:30 a.m., Room 405, Capitol Building (373- 1758)

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 2:28 p.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Thursday, June 1, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.