

No. 35
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, April 6, 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

Senator Joe Young, Jr., of the 1st District offered the following invocation:

Dear Lord, we all have the opportunity to regulate our own lives, but please give us the wisdom to have hope in others and have faith and hope in You. Amen.

Motions and Communications

Senator A. Smith entered the Senate Chamber.

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

Senator Emerson moved that Senator Murphy be temporarily excused from today's session. The motion prevailed.

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

Senators Schuette and Leland entered the Senate Chamber.

The following communications were received:

Department of State

Administrative Rules Notices of Filing

March 23, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:20 a.m. this date, administrative rule (00-03-19) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control*," effective 15 days hereafter.

March 28, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:00 p.m. this date, administrative rule (00-03-20) for the Department of Consumer and Industry Services, Director's Office, entitled "*Pharmacy*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
James Fackler, Acting Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Wednesday, April 5, of:

Senate Bill Nos. 1192 1194 1195 1196 1197 1198 1199

Senator Jaye entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 1078

House Bill No. 5196

House Bill No. 4776

Senate Bill No. 1164

Senate Bill No. 269
Senate Bill No. 1043
Senate Bill No. 1186
Senate Bill No. 612
Senate Bill No. 613
Senate Bill No. 983
 The motion prevailed.

Senator Bullard entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1078, entitled

A bill to amend 1917 PA 74, entitled "An act to fix standards for climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and to punish violations of the same," by amending section 4 (MCL 290.134).

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. 200

Yeas—34

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

Nays—0

Excused—3

McManus	Murphy	Smith, V.
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Not Voting—1

Dunaskiss

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Murphy entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5196, entitled

A bill to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale

food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Dingell offered the following amendment:

1. Amend page 9, line 10, after “or” by striking out the balance of the line through “food” on line 11 and inserting “food service establishment”.

The question being on the adoption of the amendment,

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

The motion prevailed.

Senators McManus and Dunaskiss entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4776, entitled

A bill to create a veterans speakers program within the department of military and veterans affairs; and to prescribe duties for certain state officials.

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. 201

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 Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 202

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. 269, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 38g.

The question being on the passage of the bill,

Senator Schuette offered the following amendments:

1. Amend page 1, line 3, after “TO” by striking out “(22)” and inserting “(23)”.
2. Amend page 5, line 14, after “(D)” by inserting “WHETHER”.
3. Amend page 5, line 19, after “(F)” by striking out the balance of the subdivision and inserting “THE LEVEL OF PRIVATE SECTOR CONTRIBUTION.”.
4. Amend page 6, line 15, after “SUBSECTION” by inserting “(2) OR”.
5. Amend page 9, line 9, after “PROPERTY” by striking out “WILL HAVE BEEN” and inserting “IS”.
6. Amend page 10, line 10, after “THE” by inserting “FIRST TAX YEAR IN WHICH”.
7. Amend page 14, line 27, after “TO” by striking out “432.216” and inserting “432.226”.

The question being on the adoption of the amendments,

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

The motion prevailed.

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

House Bill No. 5196, entitled

A bill to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 553.)

The question being on the adoption of the amendment offered by Senator Dingell,

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. 203

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	Schuetz	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.

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 1043, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401, 7402, 7403, 7404, 7410, and 7410a (MCL 333.7401, 333.7402, 333.7403, 333.7404, 333.7410, and 333.7410a), section 7401 as amended by 1998 PA 319, sections 7402 and 7404 as amended by 1994 PA 38, section 7403 as amended by 1996 PA 249, section 7410 as amended by 1999 PA 188, and section 7410a as added by 1998 PA 261, and by adding section 7401b.

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. 204**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: Hoffman

The Senate agreed to the title of the bill.

Senators Shugars, Stille, Byrum, Hart, McCotter, Murphy, Jaye, Rogers, Dunaskiss, Sikkema, Miller, Peters, Vaughn, Leland and A. Smith moved that they be named co-sponsors of the following bill:

Senate Bill No. 1043

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1186, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as amended by 1999 PA 61.

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. 205**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: Hoffman

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 612, entitled

A bill to amend 1978 PA 59, entitled “Condominium act,” by amending sections 3, 6, 10, 45, 47a, 52, 58, 67, 73, 90, 108, 111, 112, 113, 132, and 135 (MCL 559.103, 559.106, 559.110, 559.145, 559.147a, 559.152, 559.158, 559.167, 559.173, 559.190, 559.208, 559.211, 559.212, 559.213, 559.232, and 559.235), sections 3, 10, 52, 67, 73, 112, and 135 as amended by 1982 PA 538, section 6 as amended by 1983 PA 113, section 47a as amended by 1998 PA 36, and section 90 as amended by 1988 PA 147, and by adding sections 72b, 90a, and 176.

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. 206

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. 613, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 3240 (MCL 600.3240), as amended by 1996 PA 214.

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. 207

Yeas—37

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

Nays—0

Excused—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. 983, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 659.

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. 208

Yeas—34

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

Nays—3

DeBeaussaert

Peters

Smith, A.

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 proceeded to the order of

Introduction and Referral of Bills

Senator DeBeaussaert introduced

Senate Bill No. 1202, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3112a (MCL 324.3112a), as amended by 1998 PA 3.

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

Senator Emmons introduced

Senate Bill No. 1203, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 6013 (MCL 600.6013), as amended by 1993 PA 78.

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

Senator Bennett introduced

Senate Bill No. 1204, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 951, 954, 955, and 971 (MCL 380.951, 380.954, 380.955, and 380.971), section 951 as amended by 1990 PA 147 and section 971 as amended by 1995 PA 289, and by adding section 957.

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

Statements

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

The motion prevailed.

Senator Goschka’s statement is as follows:

I want to echo what Senator Emmons said about our great Michigan State Spartans. We all, of course, are very proud of the Flintstones and the great reputation they have in Flint for how they know how to play basketball. But I also think it’s important, too, that we highlight the fact that we have a young man named Jason Richardson, who we honored earlier last year as Mr. Basketball for 1999, and the great young man and role model that Jason Richardson has been not only as a Michigan State Spartan, but to several high school students and young people back home in Saginaw

County. Jason Richardson has really carried himself well, and we're all very proud of him and his contribution to the Michigan State Spartans NCAA championship. We're just very proud all over Saginaw County and throughout the state of Michigan for all of the Spartans, and certainly, for the efforts of one young man who is a great role model and a great basketball player, and that is Jason Richardson.

Senator Jaye's statement is as follows:

As a Spartan, a person who has attended Ph.D. classes at Michigan State University, it is with personal and academic pride that I was able to participate along with my Senate colleagues in the congratulations to the players, the coach, the staff, and the other officials from Michigan State University on welcoming our national heroes here to the State Capitol. I am wishing them the best of success in the future and look forward to greeting them in continuing years of their success in academics, athletics, and career pursuits.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 269, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 38g. (This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 555.)

The question being on the adoption of the amendments offered by Senator Schuette,

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

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

The motion prevailed.

Senator Schuette's statement is as follows:

First, let me speak to the bill itself, then I will get to the amendment.

Senate Bill No. 269 and the three other House bills that follow are part of a four-bill package, the effort of which is to rebuild our core cities, to build up our core communities, and to build up our brownfields so we don't plow up greenfields. We want to rebuild our cities and contaminated or abandoned manufacturing sites, give them new life, and inject some new economic force and weight in a community. In so doing, we are building jobs; we are putting back into economic circulation some new currency and some new jobs. We are not plowing up our greenfields.

This is a four-bill package, and some thanks and compliments are in store. First, Senator Emmons, for the partnership that she and I have had on this bill. I so much appreciate her leadership as chair of the Finance Committee. Obviously, these bills involve economic development, the single business tax, and MEGA. They cross-pollinate and cross jurisdictional lines in terms of committees. Second, the policy team of Bob Zambiasi, Howard Ryan, and Richard Barclay has been simply outstanding. I appreciate their work on this and certainly my office as well. Mr. Ginotti and Mr. Hanna—I thank them.

Senate Bill No. 269 offers two new types of credits for investment opportunities in our core communities across the state of Michigan. First, there is a substantial investment, tax credit, that involves MEGA. This is under the leadership of Senator Rogers. It provides the opportunity for tax credits if a business that is in existence in Michigan today makes application for a new capital project of \$250 million and maintains 500 jobs; they would have an opportunity for tax credits. Now this will be a huge opportunity in the mid-Michigan area in my opinion. I compliment Senator Rogers for his leadership on it.

Second, with respect to brownfield tax credits, is another single business tax credit opportunity. It has 30 credits for grants of up to \$1 million. This decision will be made in an expedited way, which will be made by the state treasurer based on criteria that is consistent with past credit applications. Also, there will be 15 tax credits in the range of \$1 to \$30 million. Within that 15, three tax credits in the amount of \$10 to \$30 million will be made available with a requirement that this investment would only occur but for the tax credit being available. It is up to a 10 percent tax credit. That is the basic guts of Senate Bill No. 269.

I do want to apologize to the body today. I wasn't as clear as I normally am, and would like to be, in discussing an amendment yesterday concerning one of the \$10 to \$30 million credits. As the bill left committee, it had a \$10 million eligibility opportunity for a company where construction work had already started as of January 1, 2000. Everyone knows it, so we can speak about it. It concerns the issue of whether Compuware might be eligible for such a tax credit. I'm the offerer of the amendment yesterday that would increase the amount of their eligibility from \$10 to \$30 million.

Why would we do this? We will have a debate on this, maybe throughout. I think it is important because the investment in Compuware in the state of Michigan and in Detroit is transcendent in terms of the economic climate and

playing field of the state of Michigan. It sends a huge message to the new economy for a new Michigan that will have a diversified economy—whether it's the New York Stock Exchange or NASDAQ in the new economy; whether it's General Motors of today or a chip producer in the future; whether it's heavy industry of today or software of tomorrow. We are sending a message across America that Michigan is open for business to the new economy. New opportunities and new investments are why the eligibility of up to \$30 million for Compuware is a solid policy decision for our state. If you look at the track record of Compuware in building jobs, investment, and capital, it is huge. I think that incentive ought to be out there for the companies of software, computers, and new tech, just as it is for the industrial manufacturing side of Michigan in America. That's why I made that amendment. That's why I think it's good policy that we ought to talk about today.

I think Senate Bill No. 269 is a strong effort. We have expanded opportunities for investment opportunity and job growth in Michigan in this new century.

I would urge adoption of this first amendment. This amendment, which I believe is on the system here, has seven different technical items where we have put in different words after “subsection,” “property,” or “the”—what have you. It's available, and if there is any question on it, please ask. I would urge adoption of this amendment at this time.

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

Senator Schwarz's statement is as follows:

I have an intern, an MSU student who tells me she was celebrating and partying quite a bit after the basketball championship the last couple of days, but otherwise has been a superb intern in my office. I seem to end up with an awful lot of Spartans in my office as interns, and they've all been superb interns. It's certainly been a lesson in humility for me this year during football season and the entire basketball season.

Certainly, I know Beth Miller has been a superb intern in my office. And, apparently, I have a very strong influence on the political inclinations of the Miller siblings because Ben Miller, who was an intern in my office as well, has found it terrific to work for my Democratic colleague now, Don Koivisto. So perhaps I am driving them away to the other party instead of inviting them into my own.

All that aside, Beth and Ben are the son and daughter of Circuit Court Judge Stephen Miller in Calhoun County. Their grandmother was my mother's best friend in Battle Creek, and it's a family that's been very close to my family for many, many years. I was honored to have both Ben and Beth intern in my office, and I'm delighted that they were superb interns. I would like to present this certificate to Beth and wish her well in her academic pursuits and whatever she does after she leaves MSU. I'd like my colleagues to join me in this salute to Beth.

Senator Emmons' statement is as follows:

Many of us have known Richard Barclay for a long time, and up above my head is his wife Suzanne—and something that I didn't know—her daughter, Jessica Rhoades is up there, her son, Ryan Rhoades, and I doubt the granddaughter can wave, but she's Suzannah also.

We just want to tell Richard's family how valuable he is to the operation not only of my committee, but to many Senators on this floor. We just applaud you both for letting us use Richard often late at night. Thanks a lot. Would you please stand up, and would my colleagues please greet Richard's family.

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

Senator Peters offered the following amendment:

1. Amend page 14, line 18, after “(3).” by inserting “PROFESSIONAL SPORTS STADIUM DOES NOT INCLUDE A SPORTS STADIUM IN EXISTENCE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION THAT IS CURRENTLY USED BY A PROFESSIONAL SPORTS TEAM BUT WILL NOT BE USED BY A PROFESSIONAL SPORTS TEAM AFTER DECEMBER 31, 2002.”.

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

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

The question being on the adoption of the amendment,

Senator Peters 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. 209**Yeas—15**

Cherry
DeBeaussaert
Dingell
Emerson

Hart
Jaye
Koivisto
Leland

Miller
Murphy
Peters
Schwarz

Smith, A.
Vaughn
Young

Nays—21

Bennett
Bullard
Byrum
DeGrow
Dunaskiss
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Rogers
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Smith, V.

Not Voting—1

Emmons

In The Chair: Schwarz

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 11:12 a.m.

11:38 a.m.

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

Senator Emmons offered the following amendments:

1. Amend page 14, line 27, subsection (27), by striking out all of subdivision (A) and relettering the remaining subdivisions.
2. Amend page 14, line 27, subsection (27), after "APPROVED" by striking out "AND DENIED".

Senator Rogers moved that rule 2.106 be suspended to allow the Conference Committee on Senate Bill No. 404 to meet during Senate session.

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

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

Senator Murphy entered the Senate Chamber.

The question being on the adoption of the amendments,
Senator Peters requested the yeas and nays.

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

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

Roll Call No. 210**Yeas—18**

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

Nays—19

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

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Rogers moved to reconsider the vote by which the amendments were not adopted.

The motion prevailed.

The question being on the adoption of the amendments,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 211**Yeas—20**

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

Nays—17

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

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendment:

1. Amend page 14, following line 27, subsection (27), after the first “YEAR” by inserting “AND THE NAME OF THE TAXPAYER THAT RECEIVES THE CREDIT.”

The question being on the adoption of the amendment,

Senator Peters 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. 212**Yeas—15**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hart
Jaye

Koivisto
Miller
Murphy
Peters

Smith, A.
Vaughn
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Smith, V.

Not Voting—1

Leland

In The Chair: Schwarz

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Peters to Senate Bill No. 269.

Senator Emmons’ statement is as follows:

The amendment that I put on this bill yesterday requires Treasury to come and report these million-dollar credits before our committee and the economic development committee. That is already in the bill, so I oppose putting out the taxpayer from Treasury because that then means that any of you and your name and your taxes would be exposed to everyone who wanted to know. I think that we have a right to hold taxpayer privacy as a top priority out of our Treasury Department.

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

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. 213**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	Schuetz	Young

Nays—1

Jaye

Excused—1

Smith, V.

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Protest

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 269.

Senator Jaye's statement is as follows:

I voted "no" on this bill even though it had some merit. It's important for us to attract new businesses. There was a component, a very major component—\$30 million of a tax break for one computer company that was already relocating to Michigan. That company had already received a huge amount of tax breaks, including being the only company where the personal property was exempt from taxes under a special leasing arrangement. So I voted "no" because of the \$30 million tax break for one company that the other competing companies in Michigan were not provided.

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

The motion prevailed.

Senator Rogers' statement is as follows:

As we pass through this debate today, I hope we don't lose sight of what I think is extremely important in this bill, and that is a true urban development policy and a certain provision in there that is extremely important to mid-Michigan that is probably going to result in about 2,800 jobs for mid-Michigan families, a billion dollars in investment right here in Lansing. I want people to know, and I think it is important to understand, Mr. President, we didn't just get here today. This is a culmination of a lot of hours of work from a lot of different players: the township local officials, the city officials, the state government, and the state Legislature. It's been years of work trying to change the way we regulate and tax the business community so we stop punishing them for developing and creating jobs in Michigan. We got MIOSHA to start looking at solutions instead of fines. We've taken environmental standards, and we've applied good science. We've taken a real interest and an investment in job training and apprenticeship tax credits. We've made tough decisions on how we tax businesses and their operations so that it works for employees. Mr. President, this body has stood up, and certainly, this side of the aisle has stood up for product liability and against frivolous lawsuits to put some common sense back in our legal system. All of those things needed to get out of the way so we could get to the point today where we're willing to invest a significant amount of tax credits in the most important commodity we have in Michigan, and that's the people.

I applaud Senator Schuetz. I thank him for working with me on the General Motors portion of this package and Senator Joanne Emmons as well. I can't underestimate, Mr. President, the effort that's gone into making this happen

and what kind of an impact this is going to have on mid-Michigan families. It's going to be incredible. And it's an incredible return on our investment. For every dollar in tax credits received, we will receive in the state of Michigan about \$8.00 in new revenue. I wish we had that kind of return in my family, Mr. President.

I urge the body's support and would encourage everyone here to keep focused on what's important, and that is the future and prosperity of the state of Michigan. This is among other efforts of putting Michigan ahead of other states, and we are, in fact, leading the country for that investment in our most precious commodity, and again, Mr. President, that's the people and citizens of Michigan.

Senators Byrum, Hoffman and Hammerstrom moved that they be named co-sponsors of the following bill:

Senate Bill No. 269

The motion prevailed.

The following bill was read a third time:

House Bill No. 4400, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2, 3, 4, 5, 7, 8, 13, 15, 16, and 19 (MCL 125.2652, 125.2653, 125.2654, 125.2655, 125.2657, 125.2658, 125.2663, 125.2665, 125.2666, and 125.2669).

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 40, following line 16, by inserting:

"SEC. 23. THIS STATE SHALL REIMBURSE A COMMUNITY COLLEGE DISTRICT EACH YEAR FOR ALL TAX REVENUE LOST AS A RESULT OF THE CAPTURE OF TAXES UNDER THIS ACT:".

The question being on the adoption of the amendment,

Senator Cherry 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. 214

Yeas—16

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

Nays—21

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

Excused—1

Smith, V.

Not Voting—0

In The Chair: Hoffman

Senator Schuette offered the following amendment:

1. Amend page 5, line 24, after "PARKING" by striking out "LOT, PLAZA, ALLEYWAY" and inserting "FACILITY, PEDESTRIAN MALL, ALLEY".

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

Senator McManus offered the following amendment:

1. Amend page 28, line 12, after “TREASURY” by inserting “WHICH WILL ACT ON AN APPROVAL APPLICATION WITHIN 60 DAYS”.

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. 215

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: Hoffman

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

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

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

“An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans relating to the designation and treatment of brownfield redevelopment zones; to promote the revitalization of environmentally distressed areas; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5443, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending the title and sections 3, 6, 8, and 9 (MCL 207.803, 207.806, 207.808, and 207.809).

The question being on the passage of the bill,

Senator Rogers moved that the Senate proceed to consideration of the amendment offered by Senator Dunaskiss.

The motion prevailed.

Senator Dunaskiss offered the following amendment:

1. Amend page 2, line 15, after “sales.” by inserting “PROFESSIONAL SPORTS STADIUM DOES NOT INCLUDE A SPORTS STADIUM IN EXISTENCE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBDIVISION (G) THAT IS CURRENTLY USED BY A PROFESSIONAL SPORTS TEAM BUT WILL NOT BE USED BY A SPORTS TEAM AFTER DECEMBER 31, 2002.”.

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

Senator Peters offered the following amendment:

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

“SEC. 8A. (1) AN AUTHORIZED BUSINESS OR PERSON WHO HAS AN INTEREST IN AN AUTHORIZED BUSINESS SHALL NOT MAKE A CONTRIBUTION TO A CANDIDATE OR A COMMITTEE DURING THE FOLLOWING PERIODS:

(A) THE TIME PERIOD DURING WHICH THE AUTHORIZED BUSINESS IS ELIGIBLE FOR A TAX CREDIT AS PROVIDED IN THIS ACT.

(B) THE 3 YEARS FOLLOWING THE FINAL EXPIRATION OR TERMINATION OF THE AUTHORIZED BUSINESS’S ELIGIBILITY FOR A TAX CREDIT AS PROVIDED IN THIS ACT.

(2) AN AUTHORIZED BUSINESS OR PERSON WHO HAS AN INTEREST IN AN AUTHORIZED BUSINESS SHALL NOT MAKE A CONTRIBUTION TO A CANDIDATE OR COMMITTEE THROUGH A LEGAL ENTITY THAT IS ESTABLISHED, DIRECTED, OR CONTROLLED BY ANY OF THE PERSONS DESCRIBED IN THIS SUBSECTION DURING THE TIME PERIODS DESCRIBED IN SUBSECTION (1).

(3) FOR PURPOSES OF THIS SECTION, A PERSON IS CONSIDERED TO HAVE AN INTEREST IN AN AUTHORIZED BUSINESS IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

(A) THE PERSON HOLDS AT LEAST A 1% INTEREST IN THE AUTHORIZED BUSINESS.

(B) THE PERSON IS AN OFFICER OR A MANAGERIAL EMPLOYEE OF THE AUTHORIZED BUSINESS AS DEFINED BY RULES PROMULGATED BY THE AUTHORITY.

(C) THE PERSON IS AN OFFICER OF A PERSON WHO HOLDS AT LEAST A 1% INTEREST IN THE AUTHORIZED BUSINESS.

(D) THE PERSON IS AN INDEPENDENT COMMITTEE OF THE AUTHORIZED BUSINESS.

(4) AN AUTHORIZED BUSINESS IS CONSIDERED TO HAVE MADE A CONTRIBUTION IF A CONTRIBUTION IS MADE BY A PERSON WHO HAS AN INTEREST IN THE AUTHORIZED BUSINESS.

(5) AS USED IN THIS SECTION:

(A) “CANDIDATE” MEANS BOTH OF THE FOLLOWING:

(i) THAT TERM AS DEFINED IN SECTION 3 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.203.

(ii) THE HOLDER OF ANY STATE, LEGISLATIVE, OR LOCAL ELECTIVE OFFICE.

(B) “COMMITTEE” MEANS ANY OF THE FOLLOWING:

(i) A CANDIDATE COMMITTEE AS THAT TERM IS DEFINED IN SECTION 3 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.203.

(ii) A POLITICAL PARTY COMMITTEE AS THAT TERM IS DEFINED IN SECTION 11 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.211.

(iii) AN INDEPENDENT COMMITTEE AS THAT TERM IS DEFINED IN SECTION 8 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.208.

(iv) A COMMITTEE ORGANIZED BY A LEGISLATIVE CAUCUS OF A CHAMBER OF THE LEGISLATURE.

(C) “OFFICER” MEANS EITHER OF THE FOLLOWING:

(i) AN INDIVIDUAL LISTED AS AN OFFICER OF A CORPORATION, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP.

(ii) AN INDIVIDUAL WHO IS A SUCCESSOR TO AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (i).”

The question being on the adoption of the amendment,

Senator Shugars offered the following amendments to the amendment:

1. Amend Senator Peters’ Amendment No. 1, page 14, line 6, subsection (1), after the second “BUSINESS” by inserting “OR AN ORGANIZED LABOR UNION, OR AN AFFILIATE OF AN ORGANIZED LABOR UNION, THAT HAS A MEMBER EMPLOYED BY AN AUTHORIZED BUSINESS”.

2. Amend Senator Peters’ Amendment No. 1, page 14, line 6, following subsection (2) by inserting:

“(3) AN ORGANIZED LABOR UNION, OR AN AFFILIATE OF AN ORGANIZED LABOR UNION, THAT HAS A MEMBER EMPLOYED BY AN AUTHORIZED BUSINESS SHALL NOT MAKE A CONTRIBUTION TO A CANDIDATE OR COMMITTEE THROUGH A LEGAL ENTITY THAT IS ESTABLISHED, DIRECTED, OR CONTROLLED BY ANY OF THE PERSONS DESCRIBED IN THIS SUBSECTION DURING THE TIME PERIODS DESCRIBED IN SUBSECTION (1).” and renumbering the remaining subsections.

Senator Rogers moved that Senator Sikkema be excused from the balance of today’s session.

The motion prevailed.

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

The question being on the adoption of the amendments to the amendment,

Senator Rogers requested the yeas and nays.

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

The amendments to the amendment were adopted, a majority of the members voting therefor, as follows:

Roll Call No. 216**Yeas—21**

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

Nays—15

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

Excused—2

Sikkema	Smith, V.
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Not Voting—0

In The Chair: Schwarz

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

The motion prevailed.

Senator Schuette's statement is as follows:

I know that Senator Shugars is up next. I wanted to frame this bill first and support the activities and amendments of Senator Shugars. What this bill—House Bill No. 5443—does is makes an amendment to the Michigan Economic Growth Authority act, and it provides some high tech credits as an effort to broaden the economic base of our state. We're trying to put into place and incubate some new tech, high tech businesses, and we're authorizing up to 50 credits per year for high tech businesses. Again this is an effort to have us embrace the new economy. In Michigan we're open for business for new companies, new economy, new firms, and new ideas. These high tech grants through MEGA, I think, is an excellent way to do just that. We will be aggressive in the new marketplace, and I'd urge adoption of this bill.

Senator McCotter's statement is as follows:

I'd just like to disagree with the distinguished Minority Leader. It seems to me that if we are able to keep and retain businesses in Michigan, the jobs we keep are a direct benefit to the labor union members who hold them.

The question being on the adoption of the amendment offered by Senator Peters, as amended, Senator Peters withdrew the amendment.

Senator Murphy offered the following amendment:

1. Amend page 10, following line 19, by inserting:

“(M) THE ELIGIBLE BUSINESS HAS COMMITTED TO PROVIDE MEDICAL INSURANCE BENEFITS TO ALL OF ITS FULL-TIME EMPLOYEES.”.

The question being on the adoption of the amendment,

Senator Cherry 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. 217**Yeas—17**

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Goschka
Hart
Koivisto
Leland

Miller
Murphy
Peters
Schwarz

Smith, A.
Stille
Vaughn
Young

Nays—19

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Hammerstrom
Hoffman
Jaye

Johnson
McCotter
McManus
North
Rogers

Schuette
Shugars
Steil
Van Regenmorter

Excused—2

Sikkema

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendment:

1. Amend page 2, line 15, after “sales.” by inserting “PROFESSIONAL SPORTS STADIUM DOES NOT INCLUDE A SPORTS STADIUM IN EXISTENCE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBDIVISION (G) THAT IS CURRENTLY USED BY A PROFESSIONAL SPORTS TEAM BUT WILL NOT BE USED BY A PROFESSIONAL SPORTS TEAM AFTER DECEMBER 31, 2002.”.

The question being on the adoption of the amendment,

Senator Peters 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. 218**Yeas—15**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Jaye
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Vaughn
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—2

Sikkema

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Byrum offered the following amendment:

1. Amend page 5, line 25, after “creation” by inserting: “OR JOB RETENTION”.

The question being on the adoption of the amendment,

Senator Byrum 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. 219**Yeas—15**

Byrum
Cherry
DeBeaussiaert
Dingell

Emerson
Goschka
Hart
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Vaughn
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

McCotter
McManus
North
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—2

Sikkema

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Schuette offered the following amendments:

1. Amend page 6, line 25, after the first “SECTION” by striking out “38G(2) AND (3)” and inserting “38G(3)”.

2. Amend page 6, line 25, by striking out all of subdivision (i) and relettering the remaining subdivisions.

3. Amend page 6, line 25, after the second “SECTION” by striking out “38G(2) AND (3)” and inserting “38G(3)”.

4. Amend page 6, line 25, after the third “SECTION” by striking out “38G(2) AND (3)” and inserting “38G(3)”.

5. Amend page 6, line 25, subdivision (ii), after “APPROVED” by striking out “AND DENIED”.

The question being on the adoption of the amendments,

Senator Peters moved that further consideration of the amendments be postponed temporarily.

The motion did not prevail.

Senator Cherry requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.
The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 220**Yeas—13**

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

Nays—22

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

Excused—2

Sikkema	Smith, V.
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Not Voting—1

Miller

In The Chair: Schwarz

The question being on the adoption of the amendments,

Senator Cherry offered the following amendment to the amendments:

1. Amend Senator Schuette's Amendment No. 2, page 6, line 25, after "subdivision (i)" by striking the balance of the amendment and inserting:

"(i) THE NAMES OF THE TAXPAYERS THAT APPLIED FOR THE CREDITS UNDER SECTION 38G(3) OF THE SINGLE BUSINESS TAX ACT, 1975 PA 228, MCL 208.38G IF THE TAXPAYER MAKES A POLITICAL CONTRIBUTION TO A CANDIDATE OR A CANDIDATE COMMITTEE, AS DEFINED IN SECTION 3 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.203."

The question being on the adoption of the amendment to the amendments,

Senator Cherry requested the yeas and nays.

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

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

Roll Call No. 221**Yeas—16**

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

Nays—20

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

Excused—2

Sikkema	Smith, V.
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Not Voting—0

In The Chair: Schwarz

The question being on the adoption of the amendments,
The amendments were adopted, a majority of the members serving voting therefor.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Schuette to House Bill No. 5443.

Senator Cherry's statement is as follows:

I voted "no" on the Schuette amendment because I ultimately believe that the entire process is better served when the information is a matter of public record. There really is no cause here to cloak it in secrecy. The people who are applying for these tax credits are ultimately seeking to do good public work, and there really is not a good public policy reason to hold their names secret. To have this information be open and available for public scrutiny removes the whole process from any sort of suspicion, and for that reason, I voted "no" on the Schuette amendment.

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. 222**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

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 promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; and to provide qualifications for incentives for authorized businesses,”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator McCotter’s statement is as follows:

I’m going to be opposing the amendment because it seems if we’re trying to depoliticize the appearance of how these are meted out, it would seem to me rather counter-intuitive to have with your application a list of all the people you’ve given a political contribution to. Now, I’m sure to the current Governor that would not weigh in his mind. But if somewhere down the road we were to have a more characteristic Chicago-type politician, it would save them the time and trouble of looking up who’s contributed to them if the people requesting the credits have to submit it at the same time. So being a firm believer in the law of unintended consequences, without excusing them for having been unforeseen, I’m going to be opposing this amendment because while I will not ascribe to anyone evil or nefarious motivations, nor expect them to say if they were evil and nefarious, I will grant them that they are trying to do the right thing. But I argue it’s the wrong way to go about doing it.

Senator Schuette’s statement is as follows:

As much as I rather enjoy some of the banter that the Senator from Pontiac and I engage in from time to time, the point here is on drug testing and welfare reform. We wanted to make sure we did everything we could to keep families together. If he wants to take a point of view that it doesn’t bring them together, but drives families apart from their children, that’s fine.

You ought to make sure you get your facts straight. I voted against the fingerprinting bill. So when you do your vote research, get it straight. I voted against fingerprinting, but I did vote for drug testing.

The following bill was read a third time:

House Bill No. 5444, entitled

A bill to provide for the establishment of obsolete property rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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. 223**Yeas—35**

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

Nays—1

Jaye

Excused—2

Sikkema

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 Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Schuette's statement is as follows:

In this thank you explanation, I want to make sure that I don't leave out Rachel Asbury, who's done such a nice job in crafting these bills. So I give Rachel credit in this announcement, and thank you that in all this clamoring and handwringing we've seen these bills zip through on votes 36-0 or maybe 35-1.

Rachel Asbury—in continuing my thank you—gets a lot of the credit because what we've done now is give a boost to rebuild our cities, instead of plowing up our greenfields. And we've really injected a new dynamic in terms of Michigan's poor cities.

I would like my comments printed in the record and thank my colleagues for their efforts and these great new brownfield redevelopment bills.

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

House Bill No. 4927, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8379 (MCL 600.8379), as amended by 1990 PA 54.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Bullard offered the following amendments:

1. Amend page 3, line 18, after "(i)" by striking out "FIFTY" and inserting "SEVENTY".
2. Amend page 3, line 20, after "(ii)" by striking out "FIFTY" and inserting "THIRTY".
3. Amend page 3, line 26, after "(i)" by striking out "FIFTY" and inserting "SEVENTY".
4. Amend page 4, line 1, after "(ii)" by striking out "FIFTY" and inserting "THIRTY".

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. 224**Yeas—36**

Bennett
Bullard
Byrum

Emmons
Gast
Goschka

Koivisto
Leland
McCotter

Schuette
Schwarz
Shugars

Cherry	Gougeon	McManus	Smith, A.
DeBeaussiaert	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

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4928, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 909 (MCL 257.909).

The question being on the passage of the bill,

Senator Bullard offered the following amendments:

1. Amend page 2, line 1, after “(A)” by striking out “FIFTY” and inserting “SEVENTY”.
2. Amend page 2, line 3, after “(B)” by striking out “FIFTY” and inserting “THIRTY”.
3. Amend page 2, line 4, by striking out all of subsection (2) renumbering the remaining subsection.

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. 225

Yeas—36

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Smith, A.
DeBeaussiaert	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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4929, entitled

A bill to amend 1956 PA 62, entitled “An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code,” (MCL 257.951 to 257.954) by adding section 5.

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 2, line 11, by striking out all of subsection (4) and inserting:

“(4) IN ORDER TO BE CLASSIFIED AS A MOTOR CARRIER ENFORCEMENT OFFICER, A POLICE OFFICER MUST HAVE TRAINING EQUAL TO THE MINIMUM TRAINING REQUIREMENTS, INCLUDING ANY ANNUAL TRAINING UPDATES, ESTABLISHED BY THE DEPARTMENT OF STATE POLICE FOR AN OFFICER OF THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. A POLICE OFFICER WHO HAS RECEIVED TRAINING EQUAL TO THESE MINIMUM TRAINING REQUIREMENTS BEFORE THE EFFECTIVE DATE OF THIS SECTION IS CONSIDERED A MOTOR CARRIER ENFORCEMENT OFFICER FOR PURPOSES OF THIS ACT.”.

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

Senator Bullard offered the following amendments:

1. Amend page 1, line 6, after “(A)” by striking out “FIFTY” and inserting “SEVENTY”.
2. Amend page 1, line 8, after “(B)” by striking out “FIFTY” and inserting “THIRTY”.
3. Amend page 2, line 1, after “A” by striking out the balance of the line through the second “A” on line 2.
4. Amend page 2, line 4, after “(3)” by inserting “THE OWNER OR OPERATOR OF A COMMERCIAL MOTOR VEHICLE SHALL NOT BE ISSUED MORE THAN 1 CITATION FOR EACH VIOLATION OF A CODE OR ORDINANCE REGULATING THE OPERATION OF A COMMERCIAL MOTOR VEHICLE AND SUBSTANTIALLY CORRESPONDING TO A PROVISION OF SECTIONS 683 TO 725A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.683 TO 257.725A, WITHIN A 24 HOUR PERIOD.”.

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. 226

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

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

The following bill was read a third time:

House Bill No. 4930, entitled

A bill to amend 1933 PA 254, entitled “The motor carrier act,” by amending section 18 of article V (MCL 479.18), as amended by 1988 PA 355.

The question being on the passage of the bill,
 Senator Bullard offered the following substitute:
 Substitute (S-5).

The question being on the adoption of the substitute,
 Senator Bullard offered the following amendments to the substitute:

1. Amend page 3, line 7, after “(6)” by striking out the balance of the line through “AND” on line 8.
2. Amend page 3, line 14, after “(A)” by striking out “FIFTY” and inserting “SEVENTY”.
3. Amend page 3, line 16, after “(B)” by striking out “FIFTY” and inserting “THIRTY”.
4. Amend page 3, line 17, after “(7)” by inserting “THE OWNER OR OPERATOR OF A COMMERCIAL MOTOR

VEHICLE SHALL NOT BE ISSUED MORE THAN 1 CITATION FOR EACH VIOLATION OF A CODE OR ORDINANCE REGULATING THE OPERATION OF A COMMERCIAL MOTOR VEHICLE AND SUBSTANTIALLY CORRESPONDING TO A PROVISION OF SECTIONS 683 TO 725A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.683 TO 257.725A, WITHIN A 24 HOUR PERIOD.”.

The amendments to the substitute were adopted.

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

The question being on the passage of the bill,

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

Roll Call No. 227**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

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 promote safety upon and conserve the use of public highways of the state; to provide for the supervision, regulation, and control of the use of such highways by all motor vehicles operated by carriers of property for hire upon or over such highways; to preserve, foster, and regulate transportation and permit the coordination of motor vehicle transportation facilities; to provide for the supervision, regulation, and control of the use of such highways by all motor vehicles for hire for such purposes; to classify and regulate carriers of property by motor vehicles for hire upon such public highways for such purposes; to give the Michigan Public Service Commission jurisdiction and authority to prevent evasion of this act through any device or arrangement; to insure adequate transportation service; to give the commission jurisdiction and authority to fix, alter, regulate, and determine rates, fares, charges, classifications, and practices of common motor carriers for such purposes; to require filing with the commission of rates, fares, and charges of contract carriers and to authorize the commission to prescribe minimum rates, fares, and charges, and to require the observance thereof; to prevent unjust discrimination; to prescribe the powers and duties of said commission with reference thereto; to provide for appeals from the orders of such commission; to confer jurisdiction upon the circuit court for the county of Ingham for such appeals; to provide for the levy and collection of certain privilege fees and taxes for such carriers for such purposes and the disposition of such fees and taxes; and to provide for the enforcement of this act; and to prescribe penalties for its violations.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4931, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 605, 683, and 716 (MCL 257.605, 257.683, and 257.716), section 605 as amended by 1999 PA 267 and section 716 as amended by 1998 PA 427.

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 3, line 15, by striking out all of subsection (3) and inserting:

“(3) IN ORDER TO BE CLASSIFIED AS A MOTOR CARRIER ENFORCEMENT OFFICER, A POLICE OFFICER MUST HAVE TRAINING EQUAL TO THE MINIMUM TRAINING REQUIREMENTS, INCLUDING

ANY ANNUAL TRAINING UPDATES, ESTABLISHED BY THE DEPARTMENT OF STATE POLICE FOR AN OFFICER OF THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. A POLICE OFFICER WHO HAS RECEIVED TRAINING EQUAL TO THESE MINIMUM TRAINING REQUIREMENTS BEFORE THE EFFECTIVE DATE OF THIS SECTION IS CONSIDERED A MOTOR CARRIER ENFORCEMENT OFFICER FOR PURPOSES OF THIS ACT.”.

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

Senator Bullard offered the following amendments:

1. Amend page 2, line 5, after “FOR” by striking out the balance of the line through “FOR” on line 6.
2. Amend page 2, line 12, after “(A)” by striking out “FIFTY” and inserting “SEVENTY”.
3. Amend page 2, line 14, after “(B)” by striking out “FIFTY” and inserting “THIRTY”.
4. Amend page 2, line 15, after “(4)” by inserting “THE OWNER OR OPERATOR OF A COMMERCIAL MOTOR VEHICLE SHALL NOT BE ISSUED MORE THAN 1 CITATION FOR EACH VIOLATION OF A CODE OR ORDINANCE REGULATING THE OPERATION OF A COMMERCIAL MOTOR VEHICLE AND SUBSTANTIALLY CORRESPONDING TO A PROVISION OF SECTIONS 683 TO 725A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.683 TO 257.725A, WITHIN A 24 HOUR PERIOD.”.
5. Amend page 4, line 5, by striking out all of section 716.

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

Senator Bullard offered the following amendment:

1. Amend page 2, line 16, after “VIOLATION” by inserting “PURSUANT TO SECTION 683”.

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. 228

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

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. Senator Bullard offered to amend the title to read as follows:

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 605 and 683 (MCL 257.605 and 257.683), section 605 as amended by 1999 PA 267.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 4932, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending sections 7, 7b, 7c, and 11 (MCL 480.17, 480.17b, 480.17c, and 480.21), sections 7 and 11 as amended and section 7c as added by 1995 PA 265 and section 7b as amended by 1990 PA 339.

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 5, line 6, by striking out all of subsection (6) and inserting:

“(6) IN ORDER TO BE CLASSIFIED AS A MOTOR CARRIER ENFORCEMENT OFFICER, A POLICE OFFICER MUST HAVE TRAINING EQUAL TO THE MINIMUM TRAINING REQUIREMENTS, INCLUDING ANY ANNUAL TRAINING UPDATES, ESTABLISHED BY THE DEPARTMENT OF STATE POLICE FOR AN OFFICER OF THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. A POLICE OFFICER WHO HAS RECEIVED TRAINING EQUAL TO THESE MINIMUM TRAINING REQUIREMENTS BEFORE THE EFFECTIVE DATE OF THIS SECTION IS CONSIDERED A MOTOR CARRIER ENFORCEMENT OFFICER FOR PURPOSES OF THIS ACT.”.

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

Senator Bullard offered the following amendments:

1. Amend page 4, line 19, after “(A)” by striking out “FIFTY” and inserting “SEVENTY”.
2. Amend page 4, line 21, after “(B)” by striking out “FIFTY” and inserting “THIRTY”.
3. Amend page 4, line 23, after the first “A” by striking out the balance of the line through “A” on line 24.
4. Amend page 4, line 26, after “(5)” by inserting “THE OWNER OR OPERATOR OF A COMMERCIAL MOTOR VEHICLE SHALL NOT BE ISSUED MORE THAN 1 CITATION FOR EACH VIOLATION OF A CODE OR ORDINANCE REGULATING THE OPERATION OF A COMMERCIAL MOTOR VEHICLE AND SUBSTANTIALLY CORRESPONDING TO A PROVISION OF SECTIONS 683 TO 725A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.683 TO 257.725A, WITHIN A 24 HOUR PERIOD.”.

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

Senator Bullard offered the following amendment:

1. Amend page 4, line 27, after “CITATION” by inserting “BY A TOWNSHIP, CITY, VILLAGE, OR COUNTY”.

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. 229

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

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 promote safety upon the public highways by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Conference Reports

Senator Shugars submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning **Senate Bill No. 404, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

Recommends:

First: That the House agree to the Senate amendment numbered 1 to the House substitute that reads as follows:

1. Amend page 46, line 11, by striking out all of section 20965 and inserting:

“Sec. 20965. (1) Unless an act or omission is the result of gross negligence or willful misconduct, the acts or omissions of a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, ~~or~~ medical director of a medical control authority or his or her designee, OR AN INDIVIDUAL ACTING AS A CLINICAL PRECEPTOR OF A DEPARTMENT-APPROVED EDUCATION PROGRAM SPONSOR while providing services to a patient outside a hospital, ~~or~~ in a hospital before transferring patient care to hospital personnel, OR IN A CLINICAL SETTING that are consistent with the individual’s licensure or additional training required by the ~~local~~ medical control authority INCLUDING, BUT NOT LIMITED TO, SERVICES DESCRIBED IN SUBSECTION (2), OR CONSISTENT WITH AN APPROVED PROCEDURE FOR THAT PARTICULAR EDUCATION PROGRAM do not impose liability in the treatment of a patient on those individuals or any of the following persons:

(a) The authorizing physician or physician’s designee.

(b) The medical director and individuals serving on the GOVERNING BOARD, advisory body, OR COMMITTEE of the medical control authority AND AN EMPLOYEE OF THE MEDICAL CONTROL AUTHORITY.

(c) The person providing communications services or lawfully operating or utilizing supportive electronic communications devices.

(d) The life support agency or an officer, member of the staff, or other employee of the life support agency.

(e) The hospital or an officer, member of the staff, nurse, or other employee of the hospital.

(f) The authoritative governmental unit or units.

(g) Emergency personnel from outside the state.

(H) THE EDUCATION PROGRAM MEDICAL DIRECTOR.

(I) THE EDUCATION PROGRAM INSTRUCTOR-COORDINATOR.

(J) THE EDUCATION PROGRAM SPONSOR AND EDUCATION PROGRAM SPONSOR ADVISORY COMMITTEE.

(K) THE STUDENT OF A DEPARTMENT-APPROVED EDUCATION PROGRAM WHO IS PARTICIPATING IN AN EDUCATION PROGRAM-APPROVED CLINICAL SETTING.

(l) AN INSTRUCTOR OR OTHER STAFF EMPLOYED BY OR UNDER CONTRACT TO A DEPARTMENT-APPROVED EDUCATION PROGRAM FOR THE PURPOSE OF PROVIDING TRAINING OR INSTRUCTION FOR THE DEPARTMENT-APPROVED EDUCATION PROGRAM.

(M) THE LIFE SUPPORT AGENCY OR AN OFFICER, MEMBER OF THE STAFF, OR OTHER EMPLOYEE OF THE LIFE SUPPORT AGENCY PROVIDING THE CLINICAL SETTING DESCRIBED IN SUBDIVISION (K).

(N) THE HOSPITAL OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE HOSPITAL PROVIDING THE CLINICAL SETTING DESCRIBED IN SUBDIVISION (K).

(2) SUBSECTION (1) APPLIES TO SERVICES CONSISTING OF THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR ON AN INDIVIDUAL WHO IS IN OR IS EXHIBITING SYMPTOMS OF CARDIAC DISTRESS.

(3) UNLESS AN ACT OR OMISSION IS THE RESULT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, THE ACTS OR OMISSIONS OF ANY OF THE PERSONS NAMED BELOW, WHILE PARTICIPATING IN THE DEVELOPMENT OF PROTOCOLS UNDER THIS PART, IMPLEMENTATION OF PROTOCOLS UNDER THIS PART, OR HOLDING A PARTICIPANT IN THE EMERGENCY MEDICAL SERVICES SYSTEM ACCOUNTABLE FOR DEPARTMENT-APPROVED PROTOCOLS UNDER THIS PART, DOES NOT IMPOSE LIABILITY IN THE PERFORMANCE OF THOSE FUNCTIONS:

(A) THE MEDICAL DIRECTOR AND INDIVIDUALS SERVING ON THE GOVERNING BOARD, ADVISORY BODY, OR COMMITTEES OF THE MEDICAL CONTROL AUTHORITY OR EMPLOYEES OF THE MEDICAL CONTROL AUTHORITY.

(B) A PARTICIPATING HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY IN THE MEDICAL CONTROL AUTHORITY OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY.

(C) A PARTICIPATING AGENCY IN THE MEDICAL CONTROL AUTHORITY OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE PARTICIPATING AGENCY.

(D) A NONPROFIT CORPORATION THAT PERFORMS THE FUNCTIONS OF A MEDICAL CONTROL AUTHORITY.

(4) ~~(2) Subsection (1) does~~ SUBSECTIONS (1) AND (3) DO not limit immunity from liability otherwise provided by law for any of the persons listed in ~~subsection~~ SUBSECTIONS (1) AND (3).".

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

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923,

333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, sections 20920 and 20921 as amended by 1997 PA 78, and section 20965 as amended by 1999 PA 199.

Dale Shugars
John J.H. Schwarz
Conferees for the Senate

Gerald Law
Paul DeWeese
Conferees for the House

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

By unanimous consent the Senate returned to the order of

Statements

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

The motion prevailed.

Senator Miller's statement is as follows:

I rise because for the last couple of weeks I've noticed that our head sergeant, Kit Askin, hasn't been present here in the body, and I hope that we either do some type of resolution or a note wishing her well and a speedy recovery. I understand she had some medical problems, but she's on a fast road to recovery. I want the body to go on record that we surely miss her presence here, and she's been a real leader and strong force in this body. I think that if we haven't sent a get well card or some flowers, the body needs to do that, Mr. President, because her absence is truly missed here. I hope she's back here really, really soon.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Tuesday, April 4, 2000, at 1:05 p.m., Room 405, Capitol Building

Present: Senators Schwarz (C), Johnson and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Tuesday, April 4, 2000, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), North, Leland and Hart

Excused: Senator Steil

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Wednesday, April 5, 2000, at 1:00 p.m., Rooms 424, 425 and 426, Capitol Building

Present: Senators Dunaskiss (C), Sikkema, Schuette, Rogers, Byrum, Leland and Dingell

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Wednesdays, April 12 and May 10, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Career Development Strategic Fund Agency - Tuesdays, April 11, 1:00 p.m., and May 2, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Consumer and Industry Services - Wednesdays, April 12 and May 3, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Environmental Quality - Thursday, May 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Family Independence Agency - Tuesday, April 11, 1:00 p.m., Room 210, Farnum Building; Thursday, April 13, 3:00 p.m., Room 100, Farnum Building; Tuesday, May 2, 1:00 p.m., Room 210, Farnum Building; and Tuesday, May 9, 1:00 p.m., Room 210, Farnum Building (373-1760)

General Government - Tuesday, May 2, 1:00 p.m., Room 404, Capitol Building; Tuesday, May 9, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Wednesday, May 10, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, April 12, May 3, and May 10, 1:00 p.m., Room 210, Farnum Building (373-2413)

Natural Resources - Tuesday, May 9, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Transportation - Thursdays, April 13 and May 11, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Appropriations - Wednesday, April 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Families, Mental Health and Human Services - Wednesday, April 12, 3:00 p.m., Room 100, Farnum Building (373-3543)

Health Policy - Tuesday, May 2, 3:00 p.m., Room 100, Farnum Building (373-0793)

Law Revision Commission - Friday, April 7, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Michigan National Tower (373-5613)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment Issues - Wednesday, April 12, 10:30 a.m., 8th Floor Conference Room, S0830 House Office Building; Tuesday, April 18, 9:00 a.m., 9th Floor Conference Room, S0929 House Office Building; and Wednesday, April 19, 10:30 a.m., 9th Floor Conference Room, S0929 House Office Building (373-0575)

Natural Resources and Environmental Affairs - Monday, April 10, 6:00 p.m., Monroe City Hall, Council Chamber, 120 East First Street, Monroe (373-0797)

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 2:13 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, April 11, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.