

**No. 47**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, May 18, 2000.

10:00 a.m.

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

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

Bennett—excused  
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—excused  
North—present  
Peters—present

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

Senator Kenneth R. Sikkema of the 31st District offered the following invocation:

Our Father and our God, we thank You for this day. We thank You for the opportunity You have given all of us to serve not only our constituents, but the entire state. We ask that You will give us an appreciation of the possibilities that we have at this time and place to serve not only the state of Michigan, the people, and the districts that we represent, but to serve You and Your will as well. This we ask and more in Your name. Amen.

Senators Jaye, Sikkema, Dunaskiss, Stille and V. Smith entered the Senate Chamber.

### Motions and Communications

The following communication was received:  
Department of State

#### Administrative Rule Notice of Filing

May 1, 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 1:15 p.m. this date, administrative rule (00-05-01) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control*," effective 15 days thereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Elena L. Beasley, Manager  
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 17:  
**House Bill Nos. 4996 4997 5556 5557 5588 5590 5594 5630 5682**

The Secretary announced the printing and placement in the members' files on Wednesday, May 17, of:

**Senate Bill Nos. 1267 1268 1269 1270 1275 1277 1279 1280**

**Senate Joint Resolution T**

**House Bill Nos. 5786 5787 5788 5789 5790 5791 5792 5793 5794 5795 5796 5797 5798 5799**

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

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

Senator Rogers moved that Senators Schuette, Schwarz and DeGrow be temporarily excused from today's session.  
The motion prevailed.  
Senator DeGrow is in a meeting with the Governor.

Senator Rogers moved that Senator Bennett be excused from today's session.  
The motion prevailed.

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

The motion prevailed.

Senator Hoffman's statement is as follows:

Well, many of the members may recall a number of years ago, I had a bill pass the Senate. It was a dove-hunting bill, and in recognition passage of the dove-hunting bill, I gave all the members in the Senate Dove bars. Well, in recognition of Michigan Week, I wanted to take a moment and give you a Michigan product, but I also wanted to make a disclaimer. In the lobby, we have moose tracks. Now this is not going to be in recognition of having any bill whatsoever concerned with moose hunting in Michigan—not the case at all. Enjoy some of Michigan's finest.

The moose tracks were invented by Jon Beckwith and Fred Krohn of Hillsdale. Hillsdale happens to be in my legislative district, and in recognition of Michigan Week, we are joined by moose tracks own "Moosey" up in the east balcony there. Moosey, will you stand to be recognized by my colleagues?

I would ask that when you go out in the lobby this morning, enjoy some of Michigan's finest products, moose tracks, invented here in Michigan by local Michigan residents. This follows up their Mackinac Island fudge, which they invented ten years ago. So go on out, talk to the inventors, and enjoy a fine Michigan product during Michigan Week.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 4205, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 115 (MCL 750.115).

**House Bill No. 5316, entitled**

A bill to authorize certain governmental units to issue notes or bonds for planning for the acquisition, construction, improvement, or installation of safe drinking water facilities; to provide security for the payment of the principal of and interest on the notes or bonds; and to prescribe the powers and duties of certain governmental units.

**Senate Bill No. 1108, entitled**

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

**Senate Bill No. 1109, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 348 (MCL 750.348).

**Senate Bill No. 1014, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 207 (MCL 450.4207), as amended by 1997 PA 52.

**Senate Bill No. 1238, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 904 (MCL 450.4904), as amended by 1997 PA 123.

**Senate Bill No. 1239, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 728 (MCL 339.728), as added by 1997 PA 10.

**Senate Bill No. 1240, entitled**

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 4 (MCL 450.224), as amended by 1998 PA 10.

**Senate Bill No. 1254, entitled**

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

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1212, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 911.  
Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5232, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2955b.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4238, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27 of chapter IX (MCL 769.27) and by adding section 1g to chapter IX.

Substitute (S-4).

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

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

"Enacting section 1. This amendatory act takes effect October 1, 2000." and renumbering the remaining enacting section.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4239, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 64 (MCL 791.264).

Substitute (S-2).

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

1. Amend page 4, following line 2, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2000." and renumbering the remaining enacting section.

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. 906, entitled**

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending section 4 (MCL 257.1304), as amended by 1980 PA 151.

Substitute (S-2).

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

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

**Senate Bill No. 1241, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102 and 902 (MCL 450.4102 and 450.4902), as amended by 1997 PA 52.

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

- 1. Amend page 5, line 1, after "authorization" by striking out the balance of the line through "ACCOUNTANT" on line 2.
- 2. Amend page 5, line 3, after "a" by inserting "certified or other public accountant,".

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

During the Committee of the Whole, Senators Schwarz, Young and Schuette entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that rule 2.106 be suspended to allow the Committee on Technology and Energy to meet during Senate session.

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

**Recess**

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

The motion prevailed, the time being 10:39 a.m.

10:59 a.m.

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

During the recess, Senators DeGrow and Cherry entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 5582, entitled**

A bill to amend 1929 PA 313, entitled "An act to provide for the control and eradication of white pine blister rust; to provide for the destruction of trees, plants and bushes infected with white pine blister rust; to authorize the commissioner of agriculture to remove, appraise and pay for healthy host plants necessarily destroyed; to declare certain plants and bushes a public nuisance; to authorize the commissioner to set aside fruiting currant and gooseberry and white pine growing districts as control areas; to provide for co-operation between state departments; to authorize the promulgation of rules and regulations; to provide funds for carrying out the purposes of this act; and to provide penalties for its violation," by amending section 2 (MCL 286.102).

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. 277**

**Yeas—35**

Bullard	Goschka	McCotter	Sikkema
Byrum	Gougeon	McManus	Smith, A.
Cherry	Hammerstrom	Miller	Smith, V.
DeBeaussaert	Hart	North	Steil

DeGrow  
Dingell  
Dunaskiss  
Emerson  
Gast

Hoffman  
Jaye  
Johnson  
Koivisto  
Leland

Peters  
Rogers  
Schuette  
Schwarz  
Shugars

Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—2**

Bennett

Murphy

**Not Voting—1**

Emmons

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. 5592, entitled**

A bill to amend 1913 PA 188, entitled "An act relating to the conduct of hotels, inns and public lodging houses," by repealing section 4 (MCL 427.4).

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. 278**

**Yeas—36**

Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
North  
Peters  
Rogers  
Schuette  
Schwarz

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

**Nays—0**

**Excused—2**

Bennett

Murphy

**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. 5593, entitled**

A bill to amend 1913 PA 188, entitled “An act relating to the conduct of hotels, inns and public lodging houses,” by repealing section 5 (MCL 427.5).

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. 279****Yeas—36**

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

**Nays—0****Excused—2**

Bennett

Murphy

**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. 5595, entitled**

A bill to repeal 1921 PA 350, entitled “An act to authorize and direct the state highway commissioner to lay out and establish a trunk line highway from a point on the boundary line between the states of Michigan and Indiana southwest to Mottville on the Elkhart road to Port Sanilac in Sanilac county, and from New Buffalo in Berrien county, through Buchanan, Niles, Cassopolis, Vandalia, Fabius, Three Rivers, Fishers’ Lake, Mendon, Leonidas, Union City, Burlington, Tekonsha, Homer, Concord, Spring Arbor, to Jackson in Jackson county, passing through certain intermediate towns, villages and cities, to be known and designated as the Colgrove highway,” (MCL 250.171).

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. 280****Yeas—36**

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

**Nays—0****Excused—2**

Bennett	Murphy
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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. 5596, entitled**

A bill to repeal 1919 PA 36, entitled "An act to regulate the planting of ornamental, nut bearing or other food producing trees along the highways of the state of Michigan, or in public places, and for the maintenance, protection and care of such trees and to provide a penalty for injury thereof, or for stealing the products thereof," (MCL 247.231 to 247.235).

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. 281****Yeas—36**

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

**Nays—0**

**Excused—2**

Bennett

Murphy

**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. 5597, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by repealing sections 663, 664, 665, and 666 (MCL 257.663, 257.664, 257.665, and 257.666).

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. 282****Yeas—36**

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

**Nays—0****Excused—2**

Bennett

Murphy

**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. 5598, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 709 (MCL 257.709), as amended by 1988 PA 470.

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. 283**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Bennett

Murphy

**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



**Roll Call No. 285****Yeas—36**

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

**Nays—0****Excused—2**

Bennett	Murphy
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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. 5602, entitled**

A bill to repeal 1921 PA 324, entitled "An act to authorize and direct the state highway commissioner to lay out and establish a trunk line highway commencing at the section corner common to sections 15, 16, 21 and 22, town 14 north, range 7 west, Wheatland township, Mecosta county, thence running due north through the village of Barryton, Mecosta county, and the village of Marion, Osceola county, to the city of McBain in Missaukee county, thence due north on the township line between town 21 north, range 7 west, and 21 north, range 8 west, to the southwest corner to section 25, town 22 north, range 8 west," (MCL 250.151).

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. 286****Yeas—35**

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

**Nays—0**

**Excused—2**

Bennett

Murphy

**Not Voting—1**

Emmons

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. 5603, entitled**

A bill to repeal 1935 PA 147, entitled "An act authorizing the acquisition, improvement, construction, operation and maintenance of certain public works by the state; providing for the creation of the state bridge commission; authorizing the issuance of revenue bonds of the state payable solely from earnings to pay the cost of such works; making such bonds exempt from taxation and making them eligible for certain investments; providing for the collection of fees, rents, tolls and other charges for the payment of such bonds and for the cost of maintenance, operation and repair of the works; declaring that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; and providing for condemnation," (MCL 254.151 to 254.167) and to repeal 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. 287**

**Yeas—36**

Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrowth  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
North  
Peters  
Rogers  
Schuette  
Schwarz

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

**Nays—0**

**Excused—2**

Bennett

Murphy

**Not Voting—0**

In The Chair: Schwarz



DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hart	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetz	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland	Shugars	

**Nays—1**

Hoffman

**Excused—2**

Bennett

Murphy

**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. 5626, entitled**

A bill to repeal 1921 PA 341, entitled “An act to authorize and direct the state highway commissioner to lay out and establish a trunk line highway from Paw Paw to Gobleville to Allegan,” (MCL 250.161).

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. 290****Yeas—35**

Bullard	Gast	Leland	Sikkema
Byrum	Goschka	McCotter	Smith, A.
Cherry	Gougeon	Miller	Smith, V.
DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hart	Peters	Stille

Dingell  
Dunaskiss  
Emerson  
Emmons

Hoffman  
Jaye  
Johnson  
Koivisto

Rogers  
Schuette  
Schwarz  
Shugars

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—2**

Bennett

Murphy

**Not Voting—1**

McManus

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. 5631, entitled**

A bill to repeal 1959 PA 82, entitled “An act to authorize a bridge over the public navigable waters of Crooked lake in Emmet county,” (MCL 254.111 to 254.112).

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. 291**

**Yeas—36**

Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
North  
Peters  
Rogers  
Schuette  
Schwarz

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

**Nays—0**

**Excused—2**

Bennett

Murphy

**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. 5633, entitled**

A bill to amend 1955 PA 162, entitled "An act to provide for the licensing and inspection of agricultural liming material and to regulate the sale thereof; and to prescribe penalties for the violations of the provisions of this act," by amending section 8 (MCL 290.538).

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. 292****Yeas—36**

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

**Nays—0****Excused—2**

Bennett

Murphy

**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.

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

**Senate Bill No. 1224, entitled**

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

The 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. 293****Yeas—33**

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

**Nays—3**

Jaye	Koivisto	Peters
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**Excused—2**

Bennett	Murphy
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

**Senate Bill No. 988**

**Senate Bill No. 989**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4664, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 10.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 1, line 1, after "SEC. 10." by inserting "(1)".
2. Amend page 1, following line 8, by inserting:

"(2) IF A TAXPAYER TENDERS AN AMOUNT TO A BUYER UNDER SECTION 10A OF THE PRICING AND ADVERTISING OF CONSUMER ITEMS ACT, 1976 PA 449, MCL 445.360A, THE TAXPAYER SHALL REFUND THE TAX LEVIED UNDER THIS ACT ON THE DIFFERENCE BETWEEN THE PRICE STAMPED OR AFFIXED TO THE ITEM AND THE PRICE CHARGED."

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. 294****Yeas—36**

Bullard	Gast	Leland	Shugars
Byrum	Goschka	McCotter	Sikkema
Cherry	Gougeon	McManus	Smith, A.

DeBeaussaert	Hammerstrom	Miller	Smith, V.
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Jaye	Rogers	Van Regenmorter
Emerson	Johnson	Schuette	Vaughn
Emmons	Koivisto	Schwarz	Young

**Nays—0**

**Excused—2**

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

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1197, entitled**

A bill to amend 1981 PA 118, entitled “An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts,” by amending sections 4 and 14 (MCL 445.1564 and 445.1574), section 14 as amended by 1998 PA 456.

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. 295**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Bennett

Murphy

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Miller, DeBeaussaert, Byrum, McManus, Shugars, Sikkema, Jaye, Schuette and Rogers moved that they be named co-sponsors of the following bill:

**Senate Bill No. 1197**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 943, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1310a and 1311a (MCL 380.1310a and 380.1311a), section 1310a as added by 1999 PA 102 and section 1311a as added by 1999 PA 104.

The question being on the passage of the bill,

Senator Jaye offered the following amendments:

1. Amend page 2, line 5, after “district” by inserting a comma and “WITH THE INFORMATION STATED BOTH FOR THE SCHOOL DISTRICT AS A WHOLE AND SEPARATELY FOR EACH SCHOOL OPERATED BY THE SCHOOL DISTRICT”.

2. Amend page 3, line 3, after “least” by striking out “ANNUALLY” and inserting “each semester”.

3. Amend page 3, line 7, after “district.” by inserting “IN ADDITION, AT LEAST ONCE EACH SEMESTER, EACH SCHOOL BOARD SHALL PROVIDE A COPY OF THE MOST RECENT REPORT FOR THE SCHOOL DISTRICT UNDER SUBSECTION (2) TO THE PARENT OR LEGAL GUARDIAN OF EACH PUPIL ENROLLED IN THE SCHOOL DISTRICT.”.

The question being on the adoption of the amendments,

Senator Jaye 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. 296**

**Yeas—30**

Bullard

Gougeon

McCotter

Sikkema

Byrum

Hammerstrom

Miller

Smith, A.

Cherry

Hart

North

Smith, V.

DeBeaussaert

Hoffman

Peters

Steil

Dingell

Jaye

Rogers

Van Regenmorter

Dunaskiss

Johnson

Schuette

Vaughn

Emerson

Koivisto

Shugars

Young

Goschka

Leland

**Nays—6**

DeGrow

Gast

Schwarz

Stille

Emmons

McManus

**Excused—2**

Bennett

Murphy

**Not Voting—0**

In The Chair: Schwarz

The question being on the passage of the bill,  
 Senator Stille moved that further consideration of the bill be postponed for today.  
 The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 944, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1310 (MCL 380.1310), as added by 1999 PA 102.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 2, line 5, by striking out all of line 5 through "program" on line 7 and inserting "THE EXPELLING SCHOOL BOARD SHALL PLACE THE INDIVIDUAL IN A SUITABLE ALTERNATIVE EDUCATION PROGRAM OR STRICT DISCIPLINE ACADEMY TO CONTINUE HIS OR HER EDUCATION".

2. Amend page 2, line 8, after "expulsion." by inserting "THE LEGISLATURE SHALL APPROPRIATE SUFFICIENT FUNDS FOR OPERATION OF ALTERNATIVE EDUCATION PROGRAMS FOR PUPILS EXPELLED UNDER SECTIONS 1310, 1311, AND 1311A.".

3. Amend page 2, line 13, after "districts" by striking out the balance of the line through "individuals" on line 14.

The question being on the adoption of the amendments,

Senator Peters requested the yeas and nays.

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

The President, Lieutenant Governor Posthumus, resumed the Chair.

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

**Roll Call No. 297****Yeas—16**

Byrum  
 Cherry  
 DeBeaussaert  
 Dingell

Emerson  
 Goschka  
 Hammerstrom  
 Hart

Koivisto  
 Leland  
 Miller  
 Peters

Smith, A.  
 Smith, V.  
 Vaughn  
 Young

**Nays—20**

Bullard  
 DeGrow  
 Dunaskiss  
 Emmons  
 Gast

Gougeon  
 Hoffman  
 Jaye  
 Johnson  
 McCotter

McManus  
 North  
 Rogers  
 Schuette  
 Schwarz

Shugars  
 Sikkema  
 Steil  
 Stille  
 Van Regenmorter

**Excused—2**

Bennett

Murphy

**Not Voting—0**

In The Chair: President

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. 298****Yeas—35**

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

**Nays—1**

Jaye

**Excused—2**

Bennett

Murphy

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Emmons, Stille and North, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Peters to Senate Bill No. 944.

Senators Emmons and Stille moved that the statements they made during the discussion of the amendments be printed as their reasons for voting “no.”

The motion prevailed.

Senator Emmons’ statement, in which Senator North concurred, is as follows:

I can’t believe that the Senators from the 2nd and the 26th Districts don’t have intermediate school districts that are dealing with this problem. Even in my poor area, let alone either Bloomfield or Ann Arbor where they live, we deal with those kids under 16. We have alternative programs. I’m just astounded that those ISDs are not picking up the challenge of dealing with those kids under 16. I can’t believe that they’re violating the state law. It’s just amazing.

Now, if you want to talk about 17- and 18-year olds, you've got a quite different problem. It's going to need quite a different answer because kids that don't want to be in programs unless they're in a court order, I don't know how you're going to make them be there. I don't know how you're going to throw them off the streets of Ann Arbor or Pontiac. I just have no idea how you do that. If they break a law, then you have an opportunity, but if they don't, I don't think that you've got the ability under state law to do that.

I am quite amazed that you would neglect the kids under the age that have compulsory attendance, and your ISDs or your school districts haven't done anything. I just want you to know that in my area they have even in poor counties where you don't have the resources that you do in those areas, we've dealt with those people because we have a compassion for those kids and want them to get the education that's necessary for them to be successful. We certainly don't have the resources that are in either one of their districts.

Senator Stille's first statement, in which Senator North concurred, is as follows:

We have debated and discussed the elements of these amendments many times over the last couple of years.

One of the problems that exists is that we've taken an extremely firm stand here in the state of Michigan against youngsters who bring weapons to schools. Bring a gun, you're gone. I think the attitude of this Legislature and the administration has been that we have to impose stringent guidelines and rules within our schools when youngsters would bring weapons to school. It's only been exemplified by some of the tragic incidences around the country, not to go into naming any of them, but obviously, we're well aware of the incidences that have happened here where youngsters have lost their lives when weapons have been brought to the school grounds.

These amendments would apply equally to those youngsters who would bring weapons to school as those who might be removed from school for a playground fracas. We accommodate currently in statute youngsters who are expelled from public school for assaults or for bad language or for verbal assaults. They are accepted into alternative education programs, and we have many good ones across the state typically that are run by ISDs or a collaborative of public schools. But this amendment would say that every youngster, whether expelled for an AK-47 or a toy knife of some kind or expelled because they had a bit of a brawl in the school yard, would have to be supplied with alternative education.

Not to get back into the details of that argument, but, quite honestly, I believe it's the responsibility of the family at that point in time when a youngster has brought a weapon to school to supply or provide for that education, not the state's on the basis of violent incidents with weapons in school. I have to suggest that we turn these amendments down.

I haven't even spoken about the cost of this. As you see in the second amendment, it talks about appropriating sufficient funds. I'd like to know what that amount is, what it's projected to be, and where it comes from, but on the basis of providing already alternative education for a good number of youngsters out of school, this is totally unnecessary and inappropriate for those who are expelled for weapons.

Senator Stille's second statement, in which Senator North concurred, is as follows:

I just want to acknowledge the fact that some of us look at the glass as half empty and some look at it as half full. While the language, I do agree, says "may provide alternative education," just as Senator Emmons said, most of them provide an alternative education program, not very few as the Senator from Ann Arbor said. Typically, it is through the intermediate school district. There are very few school systems that do not have an alternative education opportunity.

Now then, it is not true for those youngsters who have been expelled for weapons. That was the intent of the law that it would not be available. But for other youngsters and youngsters that find themselves in difficulty for a variety of reasons with the education program, there is an alternative education program that is provided for them. In most cases, parents are delighted to have the opportunity to have their youngsters taken care of in that fashion rather than the regular class. So let's not construe this thing that Henny Penny, Chicken Little—the sky is falling, everything is black out there. Quite honestly, these youngsters are being taken care of in most cases by the ISD or a collaboration of public school districts.

Senator Peters and A. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Peters' first statement is as follows:

This amendment deals with a very important element of suspensions in dealing with youth violence in our schools and youth violence in our communities and puts in place alternative education for those youths who are expelled out of school. Certainly, we have zero tolerance for violence in our schools and should have zero tolerance for violence in our schools, and those children need to be out of that school system or out of that school. But, on the other hand, they shouldn't just be placed on the street to cause problems out on the street and transferring a problem that may exist in our schools that will now exist on the streets of our communities.

We have argued this continuously on this side of the aisle that it is necessary to have alternative forms of education for these youths to keep them in a secure environment so they do not cause problems on the streets as well as giving them an opportunity to continue with their education. That has now been documented and has been supported by a number of studies across the United States. In fact, the U.S. Department of Justice Office of Juvenile Justice Delinquency just issued a report in March of this year, March 2000, which talked about suspension and expulsion policies around the country and some studies as to what occurs with those policies if there isn't follow through to deal with those youth once they've been expelled.

I'm going to read from some of this report because I think it's important for this body to hear from the Department of Justice. It says that although youth crime peaks in after-school hours, school hours, particularly in this area of study in the District of Columbia, are also prime time for violence. Violence during school hours, according to the Urban Institute, was found to be not necessarily occurring on school grounds, but in areas surrounding schools, and studies indicate that the high rates of suspension and expulsion in schools is contributing to high rates of violence during school hours. The study found that there's a strong association between expulsion and delinquent behavior on streets surrounding school property and in the communities. In fact, it goes on to say that reports of boys who have been suspended was on average more than three times that of boys who had never been suspended. The boys who at the time of the interview said that they were not in school reported committing on average more than four times the number of delinquent acts during the preceding six months as the boys who were attending school at the same time of interview.

There are studies that are coming in from across the country that show that as you expel these students who have already exhibited violent behavior in the schools continue to exhibit that out on the streets of our community and at an accelerated rate. If we're going to deal with youth violence in our streets, we've got to deal with it in a comprehensive fashion not just in our schools, but on our streets and to ensure that school districts are placing these youths in alternative facilities, and that's what this amendment does.

The cost is fairly minimal. It's been talked about as we've talked about this issue in preceding sessions that it may be an additional cost of \$5 million in order to have this alternative programming. There's plenty of money in the school aid budget to deal with that. We don't need to saddle individual school districts with it. They are already getting a foundation grant for that student. But when we're looking at a billion dollar excess in the school aid fund, \$5 million is a very small investment to make to protect our streets outside of schools. It's also a small investment when you consider many of these youths, if they are not in an alternative program, end up in our Department of Corrections. If you look at the prices in the Department of Corrections: to house a youth in our punk prison costs \$24,637 per year; if they go to a state maximum security prison, it's \$35,222 a year; and if they're sent to the Maxey Training School for Youth, it's a whopping cost of \$90,425. It makes a lot more sense to keep these youth in alternative education programs making them continue to further education while keeping our streets safe.

I would urge adoption of this amendment.

Senator Peters' second statement is as follows:

Just to comment a little bit on the comments made by the gentleman from the 32nd District—talked about the zero tolerance policies and how this bill deals with zero tolerance in our schools. Again, I'll reiterate what I said in my initial comments. We also believe in zero tolerance of violence in our schools, but I would say on this side of the aisle, we also believe in zero tolerance for violence on our streets as well. We have zero tolerance for violence in our communities.

Under this bill, where you're just expelling students who have shown violent behavior and putting them on the streets of our communities, you're only transferring a problem from the schools to the streets. And it's been documented. It's not something that's hypothetical. As I mentioned, a recent report from the U.S. Department of Justice showed that delinquents who are expelled for that type of behavior engage in delinquent acts at four times the rate of students who are in some sort of alternative program.

Now, does the gentleman from the 32nd District have zero tolerance for four times the amount of criminal behavior on our streets? I hope he doesn't. I hope he would stand up and say we need to deal with this problem in a comprehensive fashion and have some alternative programming for these students who have obviously shown that they have a propensity for violent behavior.

He mentions the cost. Well, the cost has been estimated at an additional \$5 million in order to deal with this very significant problem. I talked about the expense of incarceration, which is much more than \$5 million, and many of these students end up in the Department of Corrections. The cost is very minimal. The money is available. We have right now based on Senate Fiscal almost a billion dollar surplus in school aid—\$5 million is a very small amount of money to invest in keeping our streets safe and our citizens safe. If I look at the tax cut bills that we have before this Legislature, one of them costs more than it would cost to keep violent students off our streets. We have a bill to exempt sales tax on vending machines so that people don't have to pay sales tax on the candy bars that they get from the vending machines. Well, the cost of that bill alone would prevent violent youths from being on our streets victimizing our senior citizens and victimizing the citizens of this state, not to mention dealing with violence in a comprehensive fashion. I think it's good common sense to keep violent students in a controlled environment and not on the streets of our community, and I hope we will pass this amendment.

Senator A. Smith's first statement is as follows:  
I rise to support the Peters' amendment.

Right now where we're finding the children who are expelled from schools that their education is on the streets of the cities and rural communities that house the school districts from which they have been expelled.

There is little data on intermediate school districts providing alternative school placements for students who have been expelled from schools. We don't have in my office any information of any intermediate school districts providing an alternative setting.

The argument is that they can, and a school district may provide that setting for students who have been expelled so that they do have an education so that they are in a position of becoming useful citizens, and that is what education is all about. That is what we as taxpayers pay for, and that is to see that our children who make mistakes, regardless of the degree of severity, have an opportunity for an education that corrects that. When those things don't happen because they are not mandated to happen, then the institution that has the responsibility for making sure that children are educated—and that's the Legislature—has to step in and take a role in making sure that education is provided.

I think it's extremely important that we mandate the alternatives because they aren't happening voluntarily, and until we take care of those students who are getting their education with street gangs by enhancing their own education as they go into the malls and, unfortunately, mug some of our senior citizens and until we're putting them in a setting where their behavior is changed and their education is enhanced, we're the losers statewide, not the kids.

Senator A. Smith's second statement is as follows:

To address the comments of the Senator from the 23rd District. The law before us that is being amended and the school code is express in an obligation of a district to educate students who have been expelled. There is none. The law does not require a school or a school district to educate students who have been expelled from the school system. It says that they may provide for an education, and the majority of districts and intermediate school districts in the state of Michigan have not done that.

Where we see alternative education programs taking place for children under the age of 16, the mandatory school age, is generally through the detention systems of the juvenile courts, the now family courts.

As for the cost to be incurred, these students would still have a foundation allowance attached to them. We certainly have no qualms about providing public support for charter schools. As a matter of fact, when we passed this law, it was fine for charter schools to come about to educate these students. The point is, they have not done so.

We have an obligation to the community of the state of Michigan and to the citizens of the state of Michigan to make sure that those students are educated and to make sure that they are able to participate effectively in society. They are not going to do that with the kind of alternative education they find on the street corners and in the gangs here in the state of Michigan. So without legislation that requires that alternatives are mandatory and that these students must find an education setting, then we are going to have an increase in those juveniles who find their way into the juvenile prisons. That, indeed, costs us four and five and ten times the amount of money we would spend on their K-12 education. I again urge support for the Peter's amendment.

By unanimous consent the Senate returned to the order of

### Conference Reports

Senator Schuette submitted the following:

#### FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning  
**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.  
Recommends:

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

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

#### **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

SEC. 38G. (1) SUBJECT TO THE CRITERIA UNDER THIS SECTION, AN ELIGIBLE TAXPAYER MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ACT AS DETERMINED UNDER SUBSECTIONS (19) TO (24); AND SUBJECT TO THE CRITERIA UNDER THIS SECTION, A QUALIFIED TAXPAYER THAT HAS A PREAPPROVAL LETTER ISSUED AFTER DECEMBER 31, 1999 AND BEFORE JANUARY 1, 2003, PROVIDED THAT THE PROJECT IS COMPLETED NOT MORE THAN 5 YEARS AFTER THE PREAPPROVAL LETTER FOR THE PROJECT IS ISSUED, OR AN ASSIGNEE UNDER SUBSECTION (16) OR (17) MAY CLAIM A CREDIT THAT HAS BEEN APPROVED UNDER SUBSECTION (2) OR (3) AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO EITHER OF THE FOLLOWING:

(A) IF THE TOTAL OF ALL CREDITS FOR A PROJECT IS \$1,000,000.00 OR LESS, 10% OF THE COST OF THE QUALIFIED TAXPAYER'S ELIGIBLE INVESTMENT PAID OR ACCRUED BY THE QUALIFIED TAXPAYER ON AN ELIGIBLE PROPERTY PROVIDED THAT THE PROJECT DOES NOT EXCEED THE AMOUNT STATED IN THE PREAPPROVAL LETTER. IF ELIGIBLE INVESTMENT EXCEEDS THE AMOUNT OF ELIGIBLE INVESTMENT IN THE PREAPPROVAL LETTER FOR THAT PROJECT, THE TOTAL OF ALL CREDITS FOR THE PROJECT SHALL NOT EXCEED THE TOTAL OF ALL CREDITS ON THE CERTIFICATE OF COMPLETION.

(B) IF THE TOTAL OF ALL CREDITS FOR A PROJECT IS MORE THAN \$1,000,000.00 BUT \$30,000,000.00 OR LESS AND, EXCEPT AS PROVIDED IN SUBSECTION (4)(B), THE PROJECT IS LOCATED IN A QUALIFIED LOCAL GOVERNMENTAL UNIT, A PERCENTAGE AS DETERMINED BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY NOT TO EXCEED 10% OF THE COST OF THE QUALIFIED TAXPAYER'S ELIGIBLE INVESTMENT AS DETERMINED UNDER SUBSECTION (7) PAID OR ACCRUED BY THE QUALIFIED TAXPAYER ON AN ELIGIBLE PROPERTY. IF ELIGIBLE INVESTMENT EXCEEDS THE AMOUNT OF ELIGIBLE INVESTMENT IN THE PREAPPROVAL LETTER FOR THAT PROJECT, THE TOTAL OF ALL CREDITS FOR THE PROJECT SHALL NOT EXCEED THE TOTAL OF ALL CREDITS ON THE CERTIFICATE OF COMPLETION.

(2) IF THE COST OF A PROJECT WILL BE FOR \$10,000,000.00 OR LESS, A TAXPAYER SHALL APPLY TO THE STATE TREASURER FOR APPROVAL OF THE PROJECT UNDER THIS SUBSECTION. THE STATE TREASURER SHALL APPROVE OR DENY THE PROJECT NOT MORE THAN 45 DAYS AFTER RECEIPT OF THE APPLICATION. IF THE STATE TREASURER DOES NOT APPROVE OR DENY AN APPLICATION WITHIN 45 DAYS AFTER HE OR SHE RECEIVES THE APPLICATION, THE APPLICATION IS CONSIDERED APPROVED AS WRITTEN. THE TOTAL OF ALL CREDITS FOR ALL PROJECTS APPROVED UNDER THIS SUBSECTION SHALL NOT EXCEED \$30,000,000.00 IN ANY CALENDAR YEAR. THE STATE TREASURER SHALL USE THE CRITERIA IN SUBSECTION (5) WHEN APPROVING PROJECTS UNDER THIS SUBSECTION. WHEN APPROVING PROJECTS UNDER THIS SUBSECTION, THE STATE TREASURER SHALL GIVE PRIORITY TO PROJECTS ON A FACILITY. THE TOTAL OF ALL CREDITS FOR AN APPROVED PROJECT UNDER THIS SUBSECTION SHALL NOT EXCEED \$1,000,000.00. A TAXPAYER MAY APPLY UNDER THIS SUBSECTION INSTEAD OF SUBSECTION (3) FOR APPROVAL OF A PROJECT THAT WILL BE FOR MORE THAN \$10,000,000.00 BUT THE TOTAL OF ALL CREDITS FOR THAT PROJECT SHALL NOT EXCEED \$1,000,000.00. IF THE STATE TREASURER APPROVES A PROJECT UNDER THIS SUBSECTION, THE STATE TREASURER SHALL ISSUE A PREAPPROVAL LETTER THAT STATES THAT THE TAXPAYER IS A QUALIFIED TAXPAYER; THE MAXIMUM TOTAL ELIGIBLE INVESTMENT FOR THE PROJECT ON WHICH CREDITS MAY BE CLAIMED AND THE MAXIMUM TOTAL OF ALL CREDITS FOR THE PROJECT WHEN THE PROJECT IS COMPLETED AND A CERTIFICATE OF COMPLETION IS ISSUED; AND THE PROJECT NUMBER ASSIGNED BY THE STATE TREASURER. IF A PROJECT IS DENIED UNDER THIS SUBSECTION, A TAXPAYER IS NOT PROHIBITED FROM SUBSEQUENTLY APPLYING UNDER THIS SUBSECTION OR SUBSECTION (3) FOR THE SAME PROJECT OR FOR ANOTHER PROJECT.

(3) IF THE COST OF A PROJECT WILL BE FOR MORE THAN \$10,000,000.00 AND, EXCEPT AS PROVIDED IN SUBSECTION (4)(B), THE PROJECT IS LOCATED IN A QUALIFIED LOCAL GOVERNMENTAL UNIT, A TAXPAYER SHALL APPLY TO THE MICHIGAN ECONOMIC GROWTH AUTHORITY FOR APPROVAL OF THE PROJECT. THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL APPROVE OR DENY THE PROJECT NOT MORE THAN 65 DAYS AFTER RECEIPT OF THE APPLICATION. A PROJECT UNDER THIS SUBSECTION SHALL NOT BE APPROVED WITHOUT THE CONCURRENCE OF THE STATE TREASURER. IF THE MICHIGAN ECONOMIC GROWTH AUTHORITY DOES NOT APPROVE OR DENY THE APPLICATION WITHIN 65 DAYS AFTER IT RECEIVES THE APPLICATION, THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL SEND THE APPLICATION TO THE STATE TREASURER. THE STATE TREASURER SHALL APPROVE OR DENY THE APPLICATION WITHIN 5 DAYS AFTER RECEIPT OF THE APPLICATION. IF THE STATE TREASURER DOES NOT DENY THE APPLICATION WITHIN THE 5 DAYS AFTER RECEIPT OF THE APPLICATION, THE APPLICATION IS CONSIDERED APPROVED. THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL APPROVE A LIMITED NUMBER OF PROJECTS UNDER THIS SUBSECTION DURING EACH CALENDAR YEAR AS PROVIDED IN SUBSECTION (4). THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL USE THE CRITERIA IN SUBSECTION (5) WHEN APPROVING PROJECTS UNDER THIS SUBSECTION, WHEN DETERMINING THE TOTAL AMOUNT OF ELIGIBLE INVESTMENT, AND WHEN DETERMINING THE PERCENTAGE OF ELIGIBLE INVESTMENT FOR THE PROJECT TO BE USED TO CALCULATE A CREDIT. THE TOTAL OF ALL CREDITS FOR AN APPROVED PROJECT UNDER THIS SUBSECTION SHALL NOT EXCEED THE AMOUNT DESIGNATED IN THE PREAPPROVAL LETTER FOR THAT PROJECT. IF THE MICHIGAN ECONOMIC GROWTH AUTHORITY APPROVES A PROJECT UNDER THIS SUBSECTION, THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL ISSUE A PREAPPROVAL LETTER THAT STATES THAT THE TAXPAYER IS A QUALIFIED TAXPAYER; THE PERCENTAGE OF

ELIGIBLE INVESTMENT FOR THE PROJECT DETERMINED BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY FOR PURPOSES OF SUBSECTION (1)(B); THE MAXIMUM TOTAL ELIGIBLE INVESTMENT FOR THE PROJECT ON WHICH CREDITS MAY BE CLAIMED AND THE MAXIMUM TOTAL OF ALL CREDITS FOR THE PROJECT WHEN THE PROJECT IS COMPLETED AND A CERTIFICATE OF COMPLETION IS ISSUED; AND THE PROJECT NUMBER ASSIGNED BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY. THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL SEND A COPY OF THE PREAPPROVAL LETTER TO THE DEPARTMENT. IF A PROJECT IS DENIED UNDER THIS SUBSECTION, A TAXPAYER IS NOT PROHIBITED FROM SUBSEQUENTLY APPLYING UNDER THIS SUBSECTION OR SUBSECTION (2) FOR THE SAME PROJECT OR FOR ANOTHER PROJECT.

(4) THE MICHIGAN ECONOMIC GROWTH AUTHORITY MAY APPROVE NOT MORE THAN 15 PROJECTS EACH CALENDAR YEAR UNDER SUBSECTION (3), AND THE FOLLOWING LIMITATIONS APPLY:

(A) OF THE 15 PROJECTS ALLOWED UNDER THIS SUBSECTION, THE TOTAL OF ALL CREDITS FOR EACH PROJECT MAY BE MORE THAN \$10,000,000.00 BUT \$30,000,000.00 OR LESS FOR UP TO 3 PROJECTS.

(B) OF THE 15 PROJECTS ALLOWED UNDER THIS SUBSECTION, UP TO 3 PROJECTS MAY BE APPROVED FOR PROJECTS THAT ARE NOT IN A QUALIFIED LOCAL GOVERNMENTAL UNIT IF THE PROPERTY IS A FACILITY FOR WHICH ELIGIBLE ACTIVITIES ARE IDENTIFIED IN A BROWNFIELD PLAN. FOR PURPOSES OF THIS SUBDIVISION, A FACILITY INCLUDES A BUILDING OR COMPLEX OF BUILDINGS THAT WAS USED BY A STATE OR FEDERAL AGENCY AND THAT IS NO LONGER BEING USED FOR THE PURPOSE FOR WHICH IT WAS USED BY THE STATE OR FEDERAL AGENCY.

(C) OF THE 3 PROJECTS ALLOWED UNDER SUBDIVISION (A), 1 MAY BE A PROJECT THAT ALSO QUALIFIES UNDER SUBDIVISION (B).

(5) THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL REVIEW ALL APPLICATIONS FOR PROJECTS UNDER SUBSECTION (3) AND, IF AN APPLICATION IS APPROVED, SHALL DETERMINE THE MAXIMUM TOTAL OF ALL CREDITS FOR THAT PROJECT. BEFORE APPROVING A PROJECT FOR WHICH THE TOTAL OF ALL CREDITS WILL BE MORE THAN \$10,000,000.00 BUT \$30,000,000.00 OR LESS ONLY, THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL DETERMINE THAT THE PROJECT WOULD NOT OCCUR IN THIS STATE WITHOUT THE TAX CREDIT OFFERED UNDER SUBSECTION (3), EXCEPT THAT THE MICHIGAN ECONOMIC GROWTH AUTHORITY MAY APPROVE 1 PROJECT THE CONSTRUCTION OF WHICH BEGAN AFTER JANUARY 1, 2000 AND BEFORE JANUARY 1, 2001 WITHOUT DETERMINING THAT THE ELIGIBLE INVESTMENT WOULD NOT OCCUR IN THIS STATE WITHOUT THE TAX CREDIT OFFERED UNDER THIS SECTION. THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL CONSIDER THE FOLLOWING CRITERIA TO THE EXTENT REASONABLY APPLICABLE TO THE TYPE OF PROJECT PROPOSED WHEN APPROVING A PROJECT UNDER SUBSECTION (3) AND THE STATE TREASURER SHALL CONSIDER THE FOLLOWING CRITERIA TO THE EXTENT REASONABLY APPLICABLE TO THE TYPE OF PROJECT PROPOSED WHEN APPROVING A PROJECT UNDER SUBSECTION (2):

(A) THE OVERALL BENEFIT TO THE PUBLIC.

(B) THE EXTENT OF REUSE OF VACANT BUILDINGS AND REDEVELOPMENT OF BLIGHTED PROPERTY.

(C) CREATION OF JOBS.

(D) WHETHER THE ELIGIBLE PROPERTY IS IN AN AREA OF HIGH UNEMPLOYMENT.

(E) THE LEVEL AND EXTENT OF CONTAMINATION ALLEVIATED BY THE QUALIFIED TAXPAYER'S ELIGIBLE INVESTMENT TO THE EXTENT KNOWN TO THE QUALIFIED TAXPAYER.

(F) THE LEVEL OF PRIVATE SECTOR CONTRIBUTION.

(G) THE COST GAP THAT EXISTS BETWEEN THE SITE AND A SIMILAR GREENFIELD SITE AS DETERMINED BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY.

(H) IF THE QUALIFIED TAXPAYER IS MOVING FROM ANOTHER LOCATION IN THIS STATE, WHETHER THE MOVE WILL CREATE A BROWNFIELD.

(I) WHETHER THE FINANCIAL STATEMENTS OF THE QUALIFIED TAXPAYER INDICATE THAT IT IS FINANCIALLY SOUND AND THAT THE PROJECT IS ECONOMICALLY SOUND.

(J) ANY OTHER CRITERIA THAT THE MICHIGAN ECONOMIC GROWTH AUTHORITY OR THE STATE TREASURER, AS APPLICABLE, CONSIDERS APPROPRIATE FOR THE DETERMINATION OF ELIGIBILITY UNDER SUBSECTION (2) OR (3).

(6) A QUALIFIED TAXPAYER MAY APPLY FOR PROJECTS UNDER SUBSECTION (2) OR (3) FOR ELIGIBLE INVESTMENT ON MORE THAN 1 ELIGIBLE PROPERTY IN A TAX YEAR. EACH PROJECT APPROVED AND EACH PROJECT FOR WHICH A CERTIFICATE OF COMPLETION IS ISSUED UNDER THIS SECTION SHALL BE FOR ELIGIBLE INVESTMENT ON 1 ELIGIBLE PROPERTY.

(7) WHEN A PROJECT UNDER SUBSECTION (2) OR (3) IS COMPLETED, THE TAXPAYER SHALL SUBMIT DOCUMENTATION THAT THE PROJECT IS COMPLETED, AN ACCOUNTING OF THE COST OF THE PROJECT, AND THE ELIGIBLE INVESTMENT OF EACH TAXPAYER IF THERE IS MORE THAN 1 TAXPAYER ELIGIBLE FOR A CREDIT FOR THE PROJECT. THE STATE TREASURER, FOR PROJECTS APPROVED UNDER

SUBSECTION (2), OR THE MICHIGAN ECONOMIC GROWTH AUTHORITY, FOR PROJECTS APPROVED UNDER SUBSECTION (3), SHALL VERIFY THAT THE PROJECT IS COMPLETED. FOR PROJECTS APPROVED UNDER SUBSECTION (3), THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL CONDUCT AN ON-SITE INSPECTION AS PART OF THE VERIFICATION PROCESS. WHEN THE COMPLETION OF THE PROJECT IS VERIFIED, A CERTIFICATE OF COMPLETION SHALL BE ISSUED TO EACH QUALIFIED TAXPAYER THAT HAS MADE ELIGIBLE INVESTMENT ON THAT ELIGIBLE PROPERTY. THE CERTIFICATE OF COMPLETION SHALL STATE THE TOTAL AMOUNT OF ALL CREDITS FOR THE PROJECT AND THAT TOTAL SHALL NOT EXCEED THE MAXIMUM TOTAL OF ALL CREDITS LISTED IN THE PREAPPROVAL LETTER FOR THE PROJECT UNDER SUBSECTION (2) OR (3) AS APPLICABLE AND SHALL STATE ALL OF THE FOLLOWING:

(A) THAT THE TAXPAYER IS A QUALIFIED TAXPAYER.

(B) THE TOTAL COST OF THE PROJECT AND THE ELIGIBLE INVESTMENT OF EACH QUALIFIED TAXPAYER.

(C) EACH QUALIFIED TAXPAYER'S CREDIT AMOUNT.

(D) THE QUALIFIED TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER OR THE MICHIGAN TREASURY NUMBER ASSIGNED TO THE TAXPAYER.

(E) THE PROJECT NUMBER.

(F) FOR A PROJECT APPROVED UNDER SUBSECTION (3) FOR WHICH THE TOTAL OF ALL CREDITS IS MORE THAN \$10,000,000.00 BUT \$30,000,000.00 OR LESS, THE TOTAL OF ALL CREDITS AND THE SCHEDULE ON WHICH THE ANNUAL CREDIT AMOUNT SHALL BE CLAIMED BY THE QUALIFIED TAXPAYER.

(8) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, QUALIFIED TAXPAYERS SHALL CLAIM CREDITS UNDER SUBSECTIONS (2) AND (3) IN THE TAX YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS ISSUED. FOR A PROJECT APPROVED UNDER SUBSECTION (3) FOR WHICH THE TOTAL OF ALL CREDITS IS MORE THAN \$10,000,000.00 BUT \$30,000,000.00 OR LESS, THE QUALIFIED TAXPAYER SHALL CLAIM 10% OF ITS APPROVED CREDIT EACH YEAR FOR 10 YEARS.

(9) THE COST OF ELIGIBLE INVESTMENT FOR LEASED MACHINERY, EQUIPMENT, OR FIXTURES IS THE COST OF THAT PROPERTY HAD THE PROPERTY BEEN PURCHASED MINUS THE LESSOR'S ESTIMATE, MADE AT THE TIME THE LEASE IS ENTERED INTO, OF THE MARKET VALUE THE PROPERTY WILL HAVE AT THE END OF THE LEASE. A CREDIT FOR PROPERTY DESCRIBED IN THIS SUBSECTION IS ALLOWED ONLY IF THE COST OF THAT PROPERTY HAD THE PROPERTY BEEN PURCHASED AND THE LESSOR'S ESTIMATE OF THE MARKET VALUE AT THE END OF THE LEASE ARE PROVIDED TO THE STATE TREASURER OR THE MICHIGAN ECONOMIC GROWTH AUTHORITY, AS APPLICABLE.

(10) FOR CREDITS UNDER SUBSECTIONS (2) AND (3), CREDITS CLAIMED BY A LESSEE OF ELIGIBLE PROPERTY ARE SUBJECT TO THE TOTAL OF ALL CREDITS LIMITATION UNDER THIS SECTION.

(11) EACH QUALIFIED TAXPAYER AND ASSIGNEE UNDER SUBSECTION (16) OR (17) THAT CLAIMS A CREDIT UNDER SUBSECTION (1)(A) OR (B) SHALL ATTACH A COPY OF THE CERTIFICATE OF COMPLETION AND, IF THE CREDIT WAS ASSIGNED, A COPY OF THE ASSIGNMENT FORM PROVIDED FOR UNDER THIS SECTION TO THE ANNUAL RETURN FILED UNDER THIS ACT ON WHICH THE CREDIT UNDER SUBSECTION (2) OR (3) IS CLAIMED.

(12) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION OR SUBSECTION (14), (16), OR (17), A CREDIT UNDER SUBSECTION (2) OR (3) SHALL BE CLAIMED IN THE TAX YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS ISSUED TO THE QUALIFIED TAXPAYER. FOR A PROJECT DESCRIBED IN SUBSECTION (7)(F) FOR WHICH A SCHEDULE FOR CLAIMING ANNUAL CREDIT AMOUNTS IS DESIGNATED ON THE CERTIFICATE OF COMPLETION BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY, THE ANNUAL CREDIT AMOUNT SHALL BE CLAIMED IN THE TAX YEAR SPECIFIED ON THE CERTIFICATE OF COMPLETION.

(13) THE CREDITS APPROVED UNDER THIS SECTION SHALL BE CALCULATED AFTER APPLICATION OF ALL OTHER CREDITS ALLOWED UNDER THIS ACT. THE CREDITS UNDER SUBSECTIONS (2) AND (3) SHALL BE CALCULATED BEFORE THE CALCULATION OF CREDITS UNDER SUBSECTIONS (19) TO (24) AND BEFORE THE CREDITS UNDER SECTIONS 37C AND 37D.

(14) IF THE CREDIT ALLOWED UNDER SUBSECTION (2) OR (3) FOR THE TAX YEAR AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED UNDER SUBSECTION (2) OR (3) EXCEED THE QUALIFIED TAXPAYER'S OR ASSIGNEE'S TAX LIABILITY FOR THE TAX YEAR, THAT PORTION THAT EXCEEDS THE TAX LIABILITY FOR THE TAX YEAR SHALL NOT BE REFUNDED BUT MAY BE CARRIED FORWARD TO OFFSET TAX LIABILITY IN SUBSEQUENT TAX YEARS FOR 10 YEARS OR UNTIL USED UP, WHICHEVER OCCURS FIRST. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE MAXIMUM TIME ALLOWED UNDER THE CARRYFORWARD PROVISIONS UNDER THIS SUBSECTION BEGINS WITH THE TAX YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS ISSUED TO THE QUALIFIED TAXPAYER. IF THE QUALIFIED TAXPAYER ASSIGNS ALL OR ANY PORTION OF ITS CREDIT APPROVED UNDER

SUBSECTION (2) OR (3), THE MAXIMUM TIME ALLOWED UNDER THE CARRYFORWARD PROVISIONS FOR AN ASSIGNEE BEGINS TO RUN WITH THE TAX YEAR IN WHICH THE ASSIGNMENT IS MADE AND THE ASSIGNEE FIRST CLAIMS A CREDIT, WHICH SHALL BE THE SAME TAX YEAR. THE MAXIMUM TIME ALLOWED UNDER THE CARRYFORWARD PROVISIONS FOR AN ANNUAL CREDIT AMOUNT FOR A CREDIT ALLOWED UNDER SUBSECTION (3) BEGINS TO RUN IN THE TAX YEAR FOR WHICH THE ANNUAL CREDIT AMOUNT IS DESIGNATED ON THE CERTIFICATE OF COMPLETION ISSUED UNDER THIS SECTION.

(15) IF A PROJECT OR CREDIT UNDER SUBSECTION (2) OR (3) IS FOR THE ADDITION OF PERSONAL PROPERTY, IF THE COST OF THAT PERSONAL PROPERTY IS USED TO CALCULATE A CREDIT UNDER SUBSECTION (2) OR (3), AND IF THE PERSONAL PROPERTY IS SOLD OR DISPOSED OF OR TRANSFERRED FROM ELIGIBLE PROPERTY TO ANY OTHER LOCATION, THE QUALIFIED TAXPAYER THAT SOLD, DISPOSED OF, OR TRANSFERRED THE PERSONAL PROPERTY SHALL ADD THE SAME PERCENTAGE AS DETERMINED PURSUANT TO SUBSECTION (1) OF THE FEDERAL BASIS OF THE PERSONAL PROPERTY USED FOR DETERMINING GAIN OR LOSS AS OF THE DATE OF THE SALE, DISPOSITION, OR TRANSFER TO THE QUALIFIED TAXPAYER'S TAX LIABILITY AFTER APPLICATION OF ALL CREDITS UNDER THIS ACT FOR THE TAX YEAR IN WHICH THE SALE, DISPOSITION, OR TRANSFER OCCURS. IF A QUALIFIED TAXPAYER HAS AN UNUSED CARRYFORWARD OF A CREDIT UNDER SUBSECTION (2) OR (3), THE AMOUNT OTHERWISE ADDED UNDER THIS SUBSECTION TO THE QUALIFIED TAXPAYER'S TAX LIABILITY MAY INSTEAD BE USED TO REDUCE THE QUALIFIED TAXPAYER'S CARRYFORWARD UNDER SUBSECTION (14).

(16) FOR CREDITS UNDER SUBSECTIONS (2) AND (3) AND EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A QUALIFIED TAXPAYER PAYS OR ACCRUES ELIGIBLE INVESTMENT ON OR TO AN ELIGIBLE PROPERTY THAT IS LEASED FOR A MINIMUM TERM OF 10 YEARS TO ANOTHER TAXPAYER FOR USE IN A BUSINESS ACTIVITY, THE QUALIFIED TAXPAYER MAY ASSIGN ALL OR A PORTION OF THE CREDIT BASED ON THAT ELIGIBLE INVESTMENT TO THE LESSEE. A CREDIT ASSIGNMENT UNDER THIS SUBSECTION IS IRREVOCABLE AND SHALL BE MADE IN THE TAX YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS ISSUED, UNLESS THE ASSIGNEE IS UNKNOWN. IF A QUALIFIED TAXPAYER WISHES TO ASSIGN ALL OR A PORTION OF ITS CREDIT TO A LESSEE BUT THE LESSEE IS UNKNOWN IN THE TAX YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS ISSUED, THE QUALIFIED TAXPAYER MAY DELAY CLAIMING AND ASSIGNING THE CREDIT UNTIL THE FIRST TAX YEAR IN WHICH THE LESSEE IS KNOWN. A QUALIFIED TAXPAYER MAY CLAIM A PORTION OF A CREDIT AND ASSIGN THE REMAINING CREDIT AMOUNT. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF THE QUALIFIED TAXPAYER BOTH CLAIMS AND ASSIGNS PORTIONS OF THE CREDIT, THE QUALIFIED TAXPAYER SHALL CLAIM THE PORTION IT CLAIMS IN THE TAX YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS ISSUED. IF A QUALIFIED TAXPAYER ASSIGNS ALL OR A PORTION OF THE CREDIT AND THE ELIGIBLE PROPERTY IS LEASED TO MORE THAN 1 TAXPAYER, THE QUALIFIED TAXPAYER SHALL PRORATE THE CREDIT TO EACH LESSEE. A LESSEE SHALL NOT SUBSEQUENTLY ASSIGN A CREDIT OR ANY PORTION OF A CREDIT ASSIGNED UNDER THIS SUBSECTION. THE CREDIT ASSIGNMENT UNDER THIS SUBSECTION SHALL BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT. THE QUALIFIED TAXPAYER SHALL SEND A COPY OF THE COMPLETED ASSIGNMENT FORM TO THE DEPARTMENT IN THE TAX YEAR IN WHICH THE ASSIGNMENT IS MADE. THE ASSIGNEE SHALL ATTACH A COPY OF THE COMPLETED ASSIGNMENT FORM TO ITS ANNUAL RETURN REQUIRED TO BE FILED UNDER THIS ACT, FOR THE TAX YEAR IN WHICH THE ASSIGNMENT IS MADE AND THE ASSIGNEE FIRST CLAIMS A CREDIT, WHICH SHALL BE THE SAME TAX YEAR. IN ADDITION TO ALL OTHER PROCEDURES UNDER THIS SUBSECTION, THE FOLLOWING APPLY IF THE TOTAL OF ALL CREDITS FOR A PROJECT IS MORE THAN \$10,000,000.00 BUT \$30,000,000.00 OR LESS:

(A) THE CREDIT SHALL BE ASSIGNED BASED ON THE SCHEDULE CONTAINED IN THE CERTIFICATE OF COMPLETION.

(B) IF THE QUALIFIED TAXPAYER ASSIGNS ALL OR A PORTION OF THE CREDIT AMOUNT, THE QUALIFIED TAXPAYER SHALL ASSIGN THE ANNUAL CREDIT AMOUNT FOR EACH TAX YEAR SEPARATELY.

(C) MORE THAN 1 ANNUAL CREDIT AMOUNT MAY BE ASSIGNED TO ANY 1 ASSIGNEE AND THE QUALIFIED TAXPAYER MAY ASSIGN ALL OR A PORTION OF EACH ANNUAL CREDIT AMOUNT TO ANY ASSIGNEE.

(D) THE QUALIFIED TAXPAYER SHALL NOT ASSIGN MORE THAN THE ANNUAL CREDIT AMOUNT FOR EACH TAX YEAR.

(17) IF A QUALIFIED TAXPAYER IS A PARTNERSHIP, LIMITED LIABILITY COMPANY, OR SUBCHAPTER S CORPORATION, THE QUALIFIED TAXPAYER MAY ASSIGN ALL OR A PORTION OF A CREDIT ALLOWED UNDER SUBSECTION (2) OR (3) TO ITS PARTNERS, MEMBERS, OR SHAREHOLDERS, BASED ON THEIR

PROPORTIONATE SHARE OF OWNERSHIP OF THE PARTNERSHIP, LIMITED LIABILITY COMPANY, OR SUBCHAPTER S CORPORATION. A CREDIT ASSIGNMENT UNDER THIS SUBSECTION IS IRREVOCABLE AND SHALL BE MADE IN THE TAX YEAR IN WHICH A CERTIFICATE OF COMPLETION IS ISSUED. A QUALIFIED TAXPAYER MAY CLAIM A PORTION OF A CREDIT AND ASSIGN THE REMAINING CREDIT AMOUNT. IF THE QUALIFIED TAXPAYER BOTH CLAIMS AND ASSIGNS PORTIONS OF THE CREDIT, THE QUALIFIED TAXPAYER SHALL CLAIM THE PORTION IT CLAIMS IN THE TAX YEAR IN WHICH A CERTIFICATE OF COMPLETION IS ISSUED. A PARTNER, MEMBER, OR SHAREHOLDER THAT IS AN ASSIGNEE SHALL NOT SUBSEQUENTLY ASSIGN A CREDIT OR ANY PORTION OF A CREDIT ASSIGNED UNDER THIS SUBSECTION. THE CREDIT ASSIGNMENT UNDER THIS SUBSECTION SHALL BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT. THE QUALIFIED TAXPAYER SHALL SEND A COPY OF THE COMPLETED ASSIGNMENT FORM TO THE DEPARTMENT IN THE TAX YEAR IN WHICH THE ASSIGNMENT IS MADE. A PARTNER, MEMBER, OR SHAREHOLDER WHO IS AN ASSIGNEE SHALL ATTACH A COPY OF THE COMPLETED ASSIGNMENT FORM TO ITS ANNUAL RETURN REQUIRED UNDER THIS ACT, FOR THE TAX YEAR IN WHICH THE ASSIGNMENT IS MADE AND THE ASSIGNEE FIRST CLAIMS A CREDIT, WHICH SHALL BE THE SAME TAX YEAR. IN ADDITION TO ALL OTHER PROCEDURES UNDER THIS SUBSECTION, THE FOLLOWING APPLY IF THE TOTAL OF ALL CREDITS FOR A PROJECT IS MORE THAN \$10,000,000.00 BUT \$30,000,000.00 OR LESS:

(A) THE CREDIT SHALL BE ASSIGNED BASED ON THE SCHEDULE CONTAINED IN THE CERTIFICATE OF COMPLETION.

(B) IF THE QUALIFIED TAXPAYER ASSIGNS ALL OR A PORTION OF THE CREDIT AMOUNT, THE QUALIFIED TAXPAYER SHALL ASSIGN THE ANNUAL CREDIT AMOUNT FOR EACH TAX YEAR SEPARATELY.

(C) MORE THAN 1 ANNUAL CREDIT AMOUNT MAY BE ASSIGNED TO ANY 1 ASSIGNEE AND THE QUALIFIED TAXPAYER MAY ASSIGN ALL OR A PORTION OF EACH ANNUAL CREDIT AMOUNT TO ANY ASSIGNEE.

(D) THE QUALIFIED TAXPAYER SHALL NOT ASSIGN MORE THAN THE ANNUAL CREDIT AMOUNT FOR EACH TAX YEAR.

(18) A QUALIFIED TAXPAYER OR ASSIGNEE UNDER SUBSECTION (16) OR (17) SHALL NOT CLAIM A CREDIT UNDER SUBSECTION (1)(A) OR (B) BASED ON ELIGIBLE INVESTMENT ON WHICH A CREDIT CLAIMED UNDER SECTION 38D WAS BASED.

(19) IN ADDITION TO THE OTHER CREDITS ALLOWED UNDER THIS SECTION AND SECTIONS 37C AND 37D, FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 1999 AND FOR A PERIOD OF TIME NOT TO EXCEED 20 YEARS AS DETERMINED BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY, AN ELIGIBLE TAXPAYER MAY CREDIT AGAINST THE TAX IMPOSED BY SECTION 31 THE AMOUNT CERTIFIED EACH YEAR BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY THAT IS 1 OF THE FOLLOWING:

(A) FOR AN ELIGIBLE BUSINESS UNDER SECTION 8(5)(A) OF THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.808, AN AMOUNT THAT IS NOT MORE THAN 50% OF 1 OR BOTH OF THE FOLLOWING AS DETERMINED BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY:

(i) AN AMOUNT DETERMINED UNDER THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.801 TO 207.810, THAT DOES NOT EXCEED THE PAYROLL OF THE ELIGIBLE TAXPAYER ATTRIBUTABLE TO EMPLOYEES WHO PERFORM RETAINED JOBS MULTIPLIED BY THE TAX RATE FOR THE TAX YEAR.

(ii) THE TAX LIABILITY ATTRIBUTABLE TO THE ELIGIBLE TAXPAYER'S BUSINESS ACTIVITY MULTIPLIED BY A FRACTION THE NUMERATOR OF WHICH IS THE RATIO OF THE VALUE OF NEW CAPITAL INVESTMENT TO ALL OF THE TAXPAYER'S PROPERTY LOCATED IN THIS STATE PLUS THE RATIO OF THE TAXPAYER'S PAYROLL ATTRIBUTABLE TO RETAINED JOBS TO ALL OF THE TAXPAYER'S PAYROLL IN THIS STATE AND THE DENOMINATOR OF WHICH IS 2.

(B) FOR AN ELIGIBLE BUSINESS UNDER SECTION 8(5)(B) OF THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.808, AN AMOUNT THAT IS NOT MORE THAN 1 OR BOTH OF THE FOLLOWING AS DETERMINED BY THE MICHIGAN ECONOMIC GROWTH AUTHORITY:

(i) AN AMOUNT DETERMINED UNDER THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.801 TO 207.810, THAT DOES NOT EXCEED THE PAYROLL OF THE ELIGIBLE TAXPAYER ATTRIBUTABLE TO EMPLOYEES WHO PERFORM RETAINED JOBS MULTIPLIED BY THE TAX RATE FOR THE TAX YEAR.

(ii) THE TAX LIABILITY ATTRIBUTABLE TO ELIGIBLE TAXPAYER'S BUSINESS MULTIPLIED BY A FRACTION THE NUMERATOR OF WHICH IS THE RATIO OF THE VALUE OF CAPITAL INVESTMENT TO ALL OF THE TAXPAYER'S PROPERTY LOCATED IN THIS STATE PLUS THE RATIO OF THE TAXPAYER'S PAYROLL ATTRIBUTABLE TO RETAINED JOBS TO ALL OF THE TAXPAYER'S PAYROLL IN THIS STATE AND THE DENOMINATOR OF WHICH IS 2.

(20) AN ELIGIBLE TAXPAYER SHALL NOT CLAIM A CREDIT UNDER SUBSECTION (19) UNLESS THE MICHIGAN ECONOMIC GROWTH AUTHORITY HAS ISSUED A CERTIFICATE UNDER SECTION 9 OF THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.809, TO THE TAXPAYER. THE ELIGIBLE TAXPAYER SHALL ATTACH THE CERTIFICATE TO THE RETURN FILED UNDER THIS ACT ON WHICH A CREDIT UNDER SUBSECTION (19) IS CLAIMED.

(21) AN AFFILIATED GROUP AS DEFINED IN THIS ACT, A CONTROLLED GROUP OF CORPORATIONS AS DEFINED IN SECTION 1563 OF THE INTERNAL REVENUE CODE AND FURTHER DESCRIBED IN 26 C.F.R. 1.414 (b)-1 AND 1.414(c)-1 TO 1.414(c)-5, OR AN ENTITY UNDER COMMON CONTROL AS DEFINED BY THE INTERNAL REVENUE CODE SHALL CLAIM ONLY 1 CREDIT UNDER SUBSECTION (19) FOR EACH TAX YEAR BASED ON EACH WRITTEN AGREEMENT WHETHER OR NOT A COMBINED OR CONSOLIDATED RETURN IS FILED.

(22) A CREDIT SHALL NOT BE CLAIMED BY A TAXPAYER UNDER SUBSECTION (19) IF THE ELIGIBLE TAXPAYER'S INITIAL CERTIFICATION UNDER SECTION 9 OF THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.809, IS ISSUED AFTER DECEMBER 31, 2003.

(23) IF THE CREDIT ALLOWED UNDER SUBSECTION (19)(A)(ii) OR (19)(B)(ii) FOR THE TAX YEAR AND ANY UNUSED CARRYFORWARD OF THE CREDIT ALLOWED BY SUBSECTION (19)(A)(ii) OR (B)(ii) EXCEED THE TAXPAYER'S TAX LIABILITY FOR THE TAX YEAR, THAT PORTION THAT EXCEEDS THE TAX LIABILITY FOR THE TAX YEAR SHALL NOT BE REFUNDED BUT MAY BE CARRIED FORWARD TO OFFSET TAX LIABILITY IN SUBSEQUENT TAX YEARS FOR 10 YEARS OR UNTIL USED UP, WHICHEVER OCCURS FIRST.

(24) IF THE CREDIT ALLOWED UNDER SUBSECTION (19)(A)(i) OR (19)(B)(i) EXCEEDS THE TAX LIABILITY OF THE ELIGIBLE TAXPAYER FOR THE TAX YEAR, THE EXCESS SHALL BE REFUNDED TO THE ELIGIBLE TAXPAYER.

(25) AN ELIGIBLE TAXPAYER THAT CLAIMS A CREDIT UNDER SUBSECTION (1)(A) OR (B) IS NOT PROHIBITED FROM CLAIMING A CREDIT UNDER SUBSECTION (19). HOWEVER, THE ELIGIBLE TAXPAYER SHALL NOT CLAIM A CREDIT UNDER BOTH SUBSECTIONS (1)(A) OR (B) AND (19) BASED ON THE SAME COSTS.

(26) ELIGIBLE INVESTMENT ATTRIBUTABLE OR RELATED TO THE OPERATION OF A PROFESSIONAL SPORTS STADIUM, AND ELIGIBLE INVESTMENT THAT IS ASSOCIATED OR AFFILIATED WITH THE OPERATION OF A PROFESSIONAL SPORTS STADIUM, INCLUDING, BUT NOT LIMITED TO, THE OPERATION OF A PARKING LOT OR RETAIL STORE, SHALL NOT BE USED AS A BASIS FOR A CREDIT UNDER SUBSECTION (2) OR (3). PROFESSIONAL SPORTS STADIUM DOES NOT INCLUDE A PROFESSIONAL SPORTS STADIUM THAT WILL NO LONGER BE USED BY A PROFESSIONAL SPORTS TEAM ON AND AFTER THE DATE THAT AN APPLICATION RELATED TO THAT PROFESSIONAL SPORTS STADIUM IS FILED UNDER SUBSECTION (2) OR (3).

(27) ELIGIBLE INVESTMENT ATTRIBUTABLE OR RELATED TO THE OPERATION OF A CASINO, AND ELIGIBLE INVESTMENT THAT IS ASSOCIATED OR AFFILIATED WITH THE OPERATION OF A CASINO, INCLUDING, BUT NOT LIMITED TO, THE OPERATION OF A PARKING LOT, HOTEL, MOTEL, OR RETAIL STORE, SHALL NOT BE USED AS A BASIS FOR A CREDIT UNDER SUBSECTION (2) OR (3). AS USED IN THIS SUBSECTION, "CASINO" MEANS A CASINO REGULATED BY THIS STATE PURSUANT TO THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO 432.226.

(28) ELIGIBLE INVESTMENT ATTRIBUTABLE OR RELATED TO THE CONSTRUCTION OF A NEW LANDFILL OR THE EXPANSION OF AN EXISTING LANDFILL REGULATED UNDER PART 115 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.11501 TO 324.11550, SHALL NOT BE USED AS A BASIS FOR A CREDIT UNDER SUBSECTION (2) OR (3).

(29) THE DEPARTMENT ANNUALLY SHALL PREPARE AND SUBMIT TO THE HOUSE OF REPRESENTATIVES AND SENATE COMMITTEES RESPONSIBLE FOR TAX POLICY AND ECONOMIC DEVELOPMENT ISSUES A REPORT ON THE CREDITS UNDER SUBSECTION (2). THE REPORT SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

(A) A LISTING OF THE PROJECTS UNDER SUBSECTION (2) THAT WERE APPROVED IN THE CALENDAR YEAR.

(B) THE TOTAL AMOUNT OF ELIGIBLE INVESTMENT FOR PROJECTS APPROVED UNDER SUBSECTION (2) IN THE CALENDAR YEAR.

(30) AS USED IN THIS SECTION:

(A) "ANNUAL CREDIT AMOUNT" MEANS THE MAXIMUM AMOUNT THAT A QUALIFIED TAXPAYER IS ELIGIBLE TO CLAIM EACH TAX YEAR FOR A PROJECT FOR WHICH THE TOTAL OF ALL CREDITS IS MORE THAN \$10,000,000.00 BUT \$30,000,000.00 OR LESS, WHICH SHALL BE 10% OF THE QUALIFIED TAXPAYER'S CREDIT AMOUNT APPROVED UNDER SUBSECTION (3).

(B) "AUTHORITY" MEANS A BROWNFIELD REDEVELOPMENT AUTHORITY CREATED UNDER THE BROWNFIELD REDEVELOPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672.

(C) "AUTHORIZED BUSINESS", "FULL-TIME JOB", "NEW CAPITAL INVESTMENT", "RETAINED JOBS", AND "WRITTEN AGREEMENT" MEAN THOSE TERMS AS DEFINED IN THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.801 TO 207.810.

(D) "BLIGHTED", "BROWNFIELD PLAN", "ELIGIBLE ACTIVITIES", "ELIGIBLE PROPERTY", "FACILITY", "FUNCTIONALLY OBSOLETE", AND "RESPONSE ACTIVITY" MEAN THOSE TERMS AS DEFINED IN THE BROWNFIELD REDEVELOPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672.

(E) "ELIGIBLE INVESTMENT" MEANS DEMOLITION, CONSTRUCTION, RESTORATION, ALTERATION, RENOVATION, OR IMPROVEMENT OF BUILDINGS OR SITE IMPROVEMENTS ON ELIGIBLE PROPERTY AND THE ADDITION OF MACHINERY, EQUIPMENT, AND FIXTURES TO ELIGIBLE PROPERTY AFTER THE DATE THAT ELIGIBLE ACTIVITIES ON THAT ELIGIBLE PROPERTY HAVE STARTED PURSUANT TO A BROWNFIELD PLAN UNDER THE BROWNFIELD REDEVELOPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672, AND AFTER THE DATE THAT THE PREAPPROVAL LETTER IS ISSUED, EXCEPT THAT THE DATE THAT THE PREAPPROVAL LETTER IS ISSUED IS NOT A LIMITATION FOR 1 PROJECT THE CONSTRUCTION OF WHICH BEGAN AFTER JANUARY 1, 2000 AND BEFORE JANUARY 1, 2001 WITHOUT THE MICHIGAN ECONOMIC GROWTH AUTHORITY DETERMINING THAT THE PROJECT WOULD NOT OCCUR IN THIS STATE WITHOUT THE TAX CREDIT OFFERED UNDER THIS SECTION AS PROVIDED IN SUBSECTION (5), IF THE COSTS OF THE ELIGIBLE INVESTMENT ARE NOT OTHERWISE REIMBURSED TO THE TAXPAYER OR PAID FOR ON BEHALF OF THE TAXPAYER FROM ANY SOURCE OTHER THAN THE TAXPAYER. THE ADDITION OF LEASED MACHINERY, EQUIPMENT, OR FIXTURES TO ELIGIBLE PROPERTY BY A LESSEE OF THE MACHINERY, EQUIPMENT, OR FIXTURES IS ELIGIBLE INVESTMENT IF THE LEASE OF THE MACHINERY, EQUIPMENT, OR FIXTURES HAS A MINIMUM TERM OF 10 YEARS OR IS FOR THE EXPECTED USEFUL LIFE OF THE MACHINERY, EQUIPMENT, OR FIXTURES, AND IF THE OWNER OF THE MACHINERY, EQUIPMENT, OR FIXTURES IS NOT THE QUALIFIED TAXPAYER WITH REGARD TO THAT MACHINERY, EQUIPMENT, OR FIXTURES.

(F) "ELIGIBLE TAXPAYER" MEANS AN ELIGIBLE BUSINESS THAT MEETS THE CRITERIA UNDER SECTION 8(5) OF THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.808.

(G) "MICHIGAN ECONOMIC GROWTH AUTHORITY" MEANS THE MICHIGAN ECONOMIC GROWTH AUTHORITY CREATED IN THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.801 TO 207.810.

(H) "PAYROLL" AND "TAX RATE" MEAN THOSE TERMS AS DEFINED IN SECTION 37C.

(I) "PERSONAL PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION 8 OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.8, EXCEPT THAT PERSONAL PROPERTY DOES NOT INCLUDE EITHER OF THE FOLLOWING:

(i) PERSONAL PROPERTY DESCRIBED IN SECTION 8(H), (I), OR (J) OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.8.

(ii) BUILDINGS DESCRIBED IN SECTION 14(6) OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.14.

(J) "PROJECT" MEANS THE TOTAL OF ALL ELIGIBLE INVESTMENT ON AN ELIGIBLE PROPERTY OR, FOR PURPOSES OF SUBSECTION (4)(B), ALL ELIGIBLE INVESTMENT ON PROPERTY NOT IN A QUALIFIED LOCAL GOVERNMENTAL UNIT THAT IS A FACILITY.

(K) "QUALIFIED LOCAL GOVERNMENTAL UNIT" MEANS THAT TERM AS DEFINED IN THE OBSOLETE PROPERTY REHABILITATION ACT.

(l) "QUALIFIED TAXPAYER" MEANS A TAXPAYER THAT MEETS BOTH OF THE FOLLOWING CRITERIA:

(i) OWNS OR LEASES ELIGIBLE PROPERTY.

(ii) CERTIFIES THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY HAS NOT SUED OR ISSUED A UNILATERAL ORDER TO THE TAXPAYER PURSUANT TO PART 201 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20101 TO 324.20142, TO COMPEL RESPONSE ACTIVITY ON OR TO THE ELIGIBLE PROPERTY, OR EXPENDED ANY STATE FUNDS FOR RESPONSE ACTIVITY ON OR TO THE ELIGIBLE PROPERTY AND DEMANDED REIMBURSEMENT FOR THOSE EXPENDITURES FROM THE QUALIFIED TAXPAYER.

(M) "TAX LIABILITY ATTRIBUTABLE TO AUTHORIZED BUSINESS ACTIVITY" MEANS THE TAX LIABILITY IMPOSED BY THIS ACT AFTER THE CALCULATION OF CREDITS PROVIDED IN SECTIONS 36, 37, AND 39.

Enacting section 1. 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. 4400.

(b) House Bill No. 5443.

(c) House Bill No. 5444.

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

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

Bill Schuette  
Joanne G. Emmons  
Gary Peters  
Conferees for the Senate

Valde Garcia  
Bob Brown  
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,  
Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the first conference report,

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

**Roll Call No. 299**

**Yeas—34**

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

**Nays—1**

Jaye

**Excused—2**

Bennett

Murphy

**Not Voting—1**

Cherry

In The Chair: President

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

### Protest

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the first conference report on Senate Bill No. 269.

Senator Jaye's statement is as follows:

I support the tax incentives for companies to be enticed, to be encouraged, to be persuaded to develop areas that are polluted, and I voted for another bill, House Bill No. 5444, that did just that.

The reason I voted against this bill is because it included a \$30 million tax break for Compuware. This was after the company was already enticed to move from Troy to the city of Detroit. This was after the company had already received several millions of dollars in special tax breaks. In fact, I believe this was the first time ever that their personal property was subject to an industrial tax abatement—where no other personal tax exemption was granted ever before. This also singles out one computer company that gives them an unfair advantage over all of the other computer companies in the state of Michigan. Particularly, I think it is wrong when the Compuware chief executive officer was reported as being the highest paid corporate executive in the nation.

Senator Peters moved that he be named co-sponsor of the following bill:

**Senate Bill No. 269**

The motion prevailed.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

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

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

The motion prevailed.

Senator Dingell's statement is as follows:

I rise as a Polish-American to announce that today is the Pope's 80th birthday. When John Paul II was elected in 1978, one cardinal whispered to him in the Sistine Chapel, "If the Lord has called you, He has chosen you to lead the church into the next millennium." In his first public appearance as pope, John Paul II looked out from the balcony at St. Peter's and exclaimed the words now familiar to millions of people throughout the world: "Praised be Jesus Christ!"

Beginning with his first papal encyclical in 1979, John Paul II referred continually to the great Jubilee Year of the year 2000, calling God's people to plan and prepare for this special "year of the Lord's favor." Now that the Jubilee has arrived, the Pope is leading the faithful in this extraordinary holy year celebration—both in Rome and on his Jubilee pilgrimages.

Although the Holy Father is now physically frail, as he looks forward to the 80th anniversary of his birth on this date, he has enthusiastically kept a full Jubilee schedule. In response to criticisms of his numerous far-flung journeys during his 21-year pontificate, the Pope once said, "If I stayed in Rome writing encyclicals, only a few people would read them. If I travel and mix with people, I will meet all kinds of people and will be heard by some who would otherwise never come to see me." In fact, hundreds of millions of people have greeted the Polish pontiff during his marathon treks around the world for over two decades.

In this great Jubilee Year, the Pope has asked for our support in prayer and in personal participation. Let us respond. Polish-Americans declare happy birthday to our beloved Pontiff.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator McCotter introduced

**Senate Bill No. 1283, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11 (MCL 46.411), as amended by 1982 PA 504.

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

Senator Sikkema introduced

**Senate Bill No. 1284, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 614, 617, and 1066 (MCL 380.614, 380.617, and 380.1066), section 614 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, and section 1066 as amended by 1995 PA 289.

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

Senators Shugars, Hammerstrom, Bullard, Goschka, Byrum, McCotter and Jaye introduced

**Senate Bill No. 1285, 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 bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Johnson, Cherry, Hammerstrom, Goschka, Rogers and Bullard introduced

**Senate Bill No. 1286, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Hammerstrom introduced

**Senate Bill No. 1287, entitled**

A bill to amend 1877 PA 164, entitled "An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies," by amending section 11 (MCL 397.211), as amended by 1988 PA 432.

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

**House Bill No. 4996, entitled**

A bill to amend 1967 PA 119, entitled "An act regulating the use of chemical agents containing toxic chemicals or organic solvents or both, having the property of releasing toxic vapors; and providing for penalties," by amending the title and section 3 (MCL 752.273) and by adding section 2a; 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 Judiciary.

**House Bill No. 4997, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 1999 PA 67.

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

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

**House Bill No. 5556, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401a, 7410, 7410a, and 7521 (MCL 333.7401a, 333.7410, 333.7410a, and 333.7521), section 7401a as added by 1998 PA 319, section 7410 as amended by 1999 PA 188, section 7410a as added by 1998 PA 261, and section 7521 as amended by 1990 PA 30, and by adding section 7401b.

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

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

**House Bill No. 5557, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 13 and 18 of chapter XVII (MCL 777.13 and 777.18), section 13 as amended by 1999 PA 61 and section 18 as added by 1998 PA 317.

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

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

**House Bill No. 5588, entitled**

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

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

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

**House Bill No. 5590, entitled**

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

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

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

**House Bill No. 5594, entitled**

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

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

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

**House Bill No. 5630, entitled**

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

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

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

**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 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.

**Recess**

Senator Rogers moved that the Senate recess until 1:30 p.m.

The motion prevailed, the time being 12:39 p.m.

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

**Recess**

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

The motion prevailed, the time being 1:31 p.m.

3:04 p.m.

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

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

**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. (For Conference Report, see p. 811.)

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

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

**Recess**

Senator A. Smith moved that the Senate recess subject to the call of the President.  
 The motion prevailed, the time being 3:08 p.m.

3:11 p.m.

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

Senator Emerson moved that Senators Cherry and Leland be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Emerson moved that Senators Hart and V. Smith be excused from the balance of today's session.

The motion prevailed.

By unanimous consent the Senate returned to the order of  
**Conference Reports**

Senators Leland and Cherry entered the Senate Chamber.

**House Bill No. 4400, entitled**

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

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

The Conference Report was read as follows:

**FIRST CONFERENCE REPORT**

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

**House Bill No. 4400, entitled**

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

Recommends:

First: That the House recede from its amendments numbered 2, 11, 13, and 14 to the Senate substitute as passed by the Senate, which read as follows:

2. Amend page 4, following line 14, following subparagraph (v), by inserting:

"(vi) REASONABLE AND ACTUAL OPERATING EXPENSES INCURRED BY AN AUTHORITY OR A MUNICIPALITY ON BEHALF OF AN AUTHORITY, NOT TO EXCEED \$75,000.00 ANNUALLY THAT ARE NOT PART OF THE REASONABLE COSTS OF PREPARING A WORK PLAN OR REMEDIAL ACTION PLAN OR THE COST OF THE REVIEW OF A WORK PLAN FOR WHICH TAXES MAY BE USED UNDER SECTION 13."

11. Amend page 22, line 12, after "in" by striking out "SUBSECTIONS (5) AND (16)" and inserting "subsection (5)".

13. Amend page 29, line 14, after "PLAN" by striking out the balance of the subdivision and inserting a period and "THAT TAXES OTHER THAN TAXES LEVIED FOR SCHOOL OPERATING PURPOSES MAY BE USED FOR ANY OF THE FOLLOWING:

(i) COSTS INVOLVED IN THE PREPARATION OF A WORK PLAN OR REMEDIAL ACTION PLAN INCLUDING BASELINE ENVIRONMENTAL ASSESSMENTS.

(ii) DUE CARE ACTIVITIES THAT OCCURRED NOT MORE THAN 1 YEAR PRIOR TO THE ADOPTION OF A BROWNFIELD PLAN.

(iii) ELIGIBLE ACTIVITIES DESCRIBED IN SECTION 2(L)(vi) THAT OCCURRED NOT MORE THAN 180 DAYS PRIOR TO THE ADOPTION OF A BROWNFIELD PLAN."

14. Amend page 29, line 19, after "TAXES" by striking out the balance of the subdivision and inserting "LEVIED FOR SCHOOL OPERATING PURPOSES CAPTURED FROM ELIGIBLE PROPERTY TO PAY FOR ELIGIBLE ACTIVITIES DESCRIBED IN SECTION 2(l)(vi)."

Second: That the Senate agree to the House amendments numbered 3 to 10 and 15 to the Senate substitute as passed by the Senate, which read as follows:

3. Amend page 7, line 9, after "county" by striking out the balance of the subparagraph and inserting a period.

4. Amend page 10, line 1, after "means" by inserting a comma and "FOR AN AUTHORITY ESTABLISHED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBDIVISION (R)."

5. Amend page 10, line 4, after "authorities." by striking out "An" and inserting "EXCEPT AS PROVIDED IN SUBSECTION (4), AN".

6. Amend page 10, line 6, after "ZONES." by inserting "EXCEPT AS PROVIDED IN SUBSECTION (4)."

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

"(4) AN AUTHORITY ESTABLISHED BY A COUNTY SHALL EXERCISE ITS POWERS WITH RESPECT TO ELIGIBLE PROPERTY WITHIN A CITY, VILLAGE, OR TOWNSHIP WITHIN THE COUNTY ONLY IF THAT CITY, VILLAGE, OR TOWNSHIP HAS CONCURRED WITH THE PROVISIONS OF A BROWNFIELD PLAN THAT APPLY TO THAT ELIGIBLE PROPERTY WITHIN THE CITY, VILLAGE, OR TOWNSHIP." and renumbering the remaining subsection.

8. Amend page 10, line 23, after the first "A" by striking out "QUALIFIED LOCAL GOVERNMENTAL UNIT" and inserting "CITY, VILLAGE, OR TOWNSHIP INCLUDING A CITY, VILLAGE, OR TOWNSHIP THAT IS A QUALIFIED LOCAL GOVERNMENTAL UNIT".

9. Amend page 10, line 24, after "WHICH" by striking out the balance of the line through "UNIT" on line 25 and inserting "THAT CITY, VILLAGE, OR TOWNSHIP".

10. Amend page 10, line 26, by striking out "THE QUALIFIED LOCAL GOVERNMENTAL UNIT" and inserting "THAT SPECIFIC CITY, VILLAGE, OR TOWNSHIP".

15. Amend page 38, line 10, after "THE" by striking out the balance of the line through "13(15)" on line 11 and inserting "DEPARTMENT OR THE MICHIGAN ECONOMIC GROWTH AUTHORITY AND THAT ARE NOT DEPOSITED IN A LOCAL SITE REMEDIATION REVOLVING FUND".

Third: That the House and Senate agree to the House amendments numbered 1 and 12 to the Senate substitute as passed by the Senate, amended to read as follows:

1. Amend page 2, line 21, after "STATE." by inserting "THE SALE, LEASE, OR TRANSFER OF TAX REVERTED PROPERTY BY A QUALIFIED LOCAL GOVERNMENTAL UNIT, COUNTY, OR THIS STATE AFTER THE PROPERTY'S INCLUSION IN A BROWNFIELD PLAN SHALL NOT RESULT IN THE LOSS TO THE PROPERTY OF THE STATUS AS BLIGHTED PROPERTY FOR PURPOSES OF THIS ACT."

12. Amend page 28, following line 12, by striking out all of subsection (16) and inserting:

"(16) A BROWNFIELD AUTHORITY MAY REIMBURSE REASONABLE AND ACTUAL ADMINISTRATIVE AND OPERATING EXPENSES THAT INCLUDE, BUT ARE NOT LIMITED TO, BASELINE ENVIRONMENTAL ASSESSMENTS, DUE CARE ACTIVITIES, AND ADDITIONAL RESPONSE ACTIVITIES, RELATED DIRECTLY TO WORK CONDUCTED BY THE AUTHORITY ON PROSPECTIVE ELIGIBLE PROPERTIES PRIOR TO APPROVAL OF THE BROWNFIELD PLAN AND ON ELIGIBLE PROPERTIES AND FOR ELIGIBLE ACTIVITIES AFTER THE APPROVAL OF THE BROWNFIELD PLAN, ONLY FROM CAPTURED LOCAL TAXES NOT TO EXCEED \$75,000.00 FOR EACH AUTHORITY IN EACH FISCAL YEAR. REASONABLE AND ACTUAL ADMINISTRATIVE AND OPERATING EXPENSES DO NOT INCLUDE REASONABLE COSTS OF PREPARING A WORK PLAN OR REMEDIAL ACTION PLAN OR THE COST OF THE REVIEW OF A WORK PLAN FOR WHICH TAXES MAY BE USED UNDER SECTION 13(3)."

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

A bill to amend 1996 PA 381, entitled "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,” 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).

Valde Garcia  
Randy Richardville  
Bob Brown  
Conferees for the House

Bill Schuette  
Joanne G. Emmons  
Gary Peters  
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,  
Senator Rogers moved that the rule be suspended.  
The motion prevailed.

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

**Roll Call No. 300**

**Yeas—33**

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

**Nays—1**

Jaye

**Excused—4**

Bennett	Hart	Murphy	Smith, V.
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**Not Voting—0**

In The Chair: Schwarz

**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, 7, and 8 (MCL 207.803, 207.806, 207.807, and 207.808) and by adding section 7a.

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

The Conference Report was read as follows:

**FIRST CONFERENCE REPORT**

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

**House Bill No. 5443, entitled**

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending the title and sections 3, 6, 7, and 8 (MCL 207.803, 207.806, 207.807, and 207.808) and by adding section 7a.

Recommends:

First: That the Senate agree to the House amendments numbered 1 to 7 and 9 to the Senate substitute as passed by the Senate, which read as follows:

1. Amend page 2, line 15, after "(G)" by striking out the balance of the subdivision and inserting "AND THAT IS NOT USED BY A PROFESSIONAL SPORTS TEAM ON THE DATE THAT AN APPLICATION RELATED TO THAT PROFESSIONAL SPORTS STADIUM IS FILED UNDER SECTION 8."

2. Amend page 5, line 4, after "DEVELOPMENT" by inserting "IN THE TAX YEAR IN WHICH THE BUSINESS FILES AN APPLICATION UNDER THIS ACT".

3. Amend page 5, line 7, after "WHOSE" by striking out the balance of the line and inserting "PRIMARY BUSINESS ACTIVITY IS".

4. Amend page 6, line 22, by striking out "38G" and inserting "38G(3)".

5. Amend page 6, line 24, after "SECTION" by striking out "38G" and inserting "38G(3)".

6. Amend page 6, line 25, after "LISTING OF THE" by striking out "CREDITS" and inserting "PROJECTS".

7. Amend page 6, line 25, after "AMOUNT OF" by striking out "CREDITS APPROVED AND CREDITS CLAIMED" and inserting "ELIGIBLE INVESTMENT APPROVED".

9. Amend page 14, line 8, after "AND" by striking out "38G" and inserting "38G(19) TO (24)".

Second: That the House and Senate agree to the House amendment numbered 8 to the Senate substitute as passed by the Senate, amended to read as follows:

8. Amend page 10, following line 13, by inserting:

"(M) IF THE ELIGIBLE BUSINESS IS A QUALIFIED HIGH-TECHNOLOGY BUSINESS, THE ELIGIBLE BUSINESS AGREES THAT NOT LESS THAN 25% OF THE TOTAL OPERATING EXPENSES OF THE BUSINESS WILL BE MAINTAINED FOR RESEARCH AND DEVELOPMENT FOR THE FIRST 3 YEARS OF THE WRITTEN AGREEMENT."

Third: That the House and Senate adopt, to conform to the agreement arrived at by the conferees, conference committee amendment 1, which reads as follows:

1. Amend page 5, line 21, after "Sec. 6." by striking out "(1)".

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

A bill to amend 1995 PA 24, entitled "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," by amending the title and sections 3, 6, 8, and 9 (MCL 207.803, 207.806, 207.808, and 207.809).

Valde Garcia  
Clark Bisbee  
Bob Brown  
Conferees for the House

Bill Schuette  
Joanne G. Emmons  
Gary Peters  
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

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

**Roll Call No. 301**

**Yeas—33**

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

**Nays—1**

Jaye

**Excused—4**

Bennett

Hart

Murphy

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

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

The Conference Report was read as follows:

**FIRST CONFERENCE REPORT**

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

**House Bill No. 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.

Recommends:

First: That the Senate agree to the House amendments to the Senate substitute that read as follows:

1. Amend page 4, line 8, after "section" by striking out "1411(u)(ii)" and inserting "11(u)(ii) and (iii)".
2. Amend page 5, line 3, after "section" by striking out "1411(u)(ii)" and inserting "11(u)(ii)".
3. Amend page 5, line 20, after "tion" by striking out "1411(u)(ii)(B)" and inserting "11(u)(ii)(B)".
4. Amend page 5, line 22, by striking out all of subparagraph (v).
5. Amend page 19, following line 27, by inserting:

"Sec. 17. (1) Within 60 days after the granting of an obsolete property rehabilitation exemption certificate under section 6 for a rehabilitated facility, the state treasurer may, for a period not to exceed 6 years, exclude up to 1/2 of the number of mills levied for school operating purposes under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, and under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, from the specific tax calculation on the facility under section 10(2)(b) if the state treasurer determines that reducing the number of mills used to calculate the specific tax under section 10(2)(b) is necessary to reduce unemployment, promote economic growth, and increase capital investment in qualified local governmental units.

(2) The state treasurer shall not grant more than 25 exclusions under this section each year."

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

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.

Valde Garcia  
Cameron Brown  
Bob Brown  
Conferees for the House

Bill Schuette  
Joanne G. Emmons  
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day, Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

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

**Roll Call No. 302**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Bennett	Hart	Murphy	Smith, V.
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**Not Voting—0**

In The Chair: Schwarz

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

The House of Representatives requested the return of  
**Senate Bill No. 1006, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 204a and 210 (MCL 330.1204a and 330.1210), section 204a as added and section 210 as amended by 1995 PA 290.

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

The motion prevailed.

**Committee Reports**

The Committee on Appropriations reported  
**Senate Bill No. 661, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by amending the title, as amended by 1991 PA 98, and by adding section 710g.

With the recommendation that the bill pass.

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

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Stille, Goschka, Koivisto, Young, Vaughn and Emerson

Nays: Senator A. Smith

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported  
**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.

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

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

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported  
**House Bill No. 5276, entitled**

A bill to make appropriations for the department of environmental quality 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.

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

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

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported  
**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.

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

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

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported  
**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.

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

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

**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.

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

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

**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.

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

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, May 16, 2000, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Stille, Goschka, Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Excused: Senator Bennett

The Committee on Health Policy reported

**Senate Bill No. 1208, entitled**

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

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Dale L. Shugars  
Chairperson

## To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: Senator Byrum

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

The Committee on Health Policy reported

**Senate Bill No. 1209, entitled**

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

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Dale L. Shugars  
Chairperson

## To Report Out:

Yeas: Senators Shugars, Hammerstrom, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 1210, entitled**

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

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Dale L. Shugars  
Chairperson

## To Report Out:

Yeas: Senators Shugars, Hammerstrom, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 1211, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20106, 20124, 20161, and 22205 (MCL 333.20106, 333.20124, 333.20161, and 333.22205), sections 20106 and 20161 as amended by 1996 PA 267 and section 22205 as amended by 1993 PA 88.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Dale L. Shugars  
Chairperson

## To Report Out:

Yeas: Senators Shugars, Hammerstrom, Byrum and Murphy

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, May 16, 2000, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Murphy

The Committee on Judiciary reported

**Senate Bill No. 1052, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 14 and 19b (MCL 712A.14 and 712A.19b), section 14 as amended by 1998 PA 474 and section 19b as amended by 1998 PA 530, and by adding section 19d.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 1053, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 135 (MCL 750.135).

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 1170, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2970.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, Bullard, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 1187, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2000 PA 45.

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

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

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, May 16, 2000, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

The Committee on Transportation and Tourism reported

**House Bill No. 4007, entitled**

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 5 and 5b (MCL 256.605 and 256.605b), section 5 as amended and section 5b as added by 1998 PA 11.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**House Bill No. 4008, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as amended by 1998 PA 329.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**House Bill No. 4206, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 320.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**House Bill No. 4846, entitled**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 1995 PA 265, and by adding section 3a.

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

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

**House Bill No. 4865, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 705 (MCL 257.705), as amended by 1995 PA 91.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

**House Bill No. 5140, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 721 (MCL 257.721), as amended by 1999 PA 24.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**House Bill No. 5164, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 319 (MCL 257.319), as amended by 1999 PA 267.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**House Bill No. 5172, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 1991 PA 100.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**House Bill No. 5421, entitled**

A bill to designate the part of the bypass of highway US-131 that is located between highway M-115 and Boon road in Wexford county as the "Sidney Ouwinga Memorial Bypass"; and to prescribe the duties of the state transportation department.

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

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

**Senate Bill No. 1243, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 222, and 251 (MCL 257.217, 257.222, and 257.251), section 217 as amended by 1998 PA 247, section 222 as amended by 1999 PA 267, and section 251 as amended by 1998 PA 455.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**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).

With the recommendation that the bill be referred to the Committee on Finance.

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee on Finance.

The Committee on Transportation and Tourism reported

**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.

With the recommendation that the bill be referred to the Committee on Finance.

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee on Finance.

The Committee on Transportation and Tourism reported

**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.

With the recommendation that the bill be referred to the Committee on Finance

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee on Finance.

## COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Tuesday, May 16, 2000, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), Steil and Leland

Excused: Senators North and Hart

The Committee on Finance reported

**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.

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

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

Joanne Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

**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.

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

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

Joanne Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 1237, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa.

With the recommendation that the bill pass.

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

Joanne Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1271, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 484.

With the recommendation that the bill pass.

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

Joanne Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom and Dingell

Nays: Senator Peters

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 1272, entitled**

A bill to create incentives to locate and maintain agricultural processing facilities within this state; to create certain funds; to authorize expenditures from the funds; to finance the development of certain facilities; to provide for appropriations; and to prescribe the powers and duties of certain state officials.

With the recommendation that the bill pass.

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

Joanne Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom and Dingell

Nays: Senator Peters

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Wednesday, May 17, 2000, at 1:10 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Dingell

The Committee on Farming, Agribusiness and Food Systems reported

**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.

With the recommendation that the bill pass.

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

George A. McManus, Jr.  
Chairperson

## To Report Out:

Yeas: Senators McManus, Stille and Gougeon

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Farming, Agribusiness and Food Systems reported

**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.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

George A. McManus, Jr.  
Chairperson

## To Report Out:

Yeas: Senators McManus, Stille and Gougeon

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported

**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.

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

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

George A. McManus, Jr.  
Chairperson

## To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported  
**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.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

George A. McManus, Jr.  
 Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported  
**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.

With the recommendation that the bill pass.

George A. McManus, Jr.  
 Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Farming, Agribusiness and Food Systems reported  
**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.

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

George A. McManus, Jr.  
 Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Byrum

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, May 17, 2000, at 8:00 a.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon and Byrum

Excused: Senator Hart

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:

Meeting held on Tuesday, May 16, 2000, at 11:30 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Hoffman (C), Goschka and Young

#### COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 269 submits the following:

Meeting held on Wednesday, May 17, 2000, at 11:10 a.m., Elijah Myers Room, Capitol Building

Present: Senators Schuette (C), Emmons and Peters

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4400 submits the following:  
Meeting held on Wednesday, May 17, 2000, at 11:19 a.m., Elijah Myers Room, Capitol Building  
Present: Senators Schuette, Emmons and Peters

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5443 submits the following:  
Meeting held on Wednesday, May 17, 2000, at 11:28 a.m., Elijah Myers Room, Capitol Building  
Present: Senators Schuette, Emmons and Peters

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5444 submits the following:  
Meeting held on Wednesday, May 17, 2000, at 11:28 a.m., Elijah Myers Room, Capitol Building  
Present: Senators Schuette, Emmons and Peters

## COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:  
Meeting held on Wednesday, May 17, 2000, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Dunaskiss (C), Sikkema, Schuette, Rogers, Byrum, Leland and Dingell

**Scheduled Meetings**

**Appropriations** - Wednesday, May 24, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Subcommittee -**

**Capital Outlay** - Thursday, May 25, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Families, Mental Health and Human Services** - Friday, May 19, 9:00 a.m., Morris Lawrence Building Auditorium, Washtenaw Community College, Ann Arbor; and Wednesday, May 24, 2:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-3543)

**Health Policy** - Tuesday, May 23, 3:00 p.m., Room 100, Farnum Building (373-0793)

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 3:22 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 23, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

