

No. 48
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, May 30, 2001.

10:00 a.m.

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

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

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

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

Peters—present
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator George A. McManus, Jr., of the 36th District offered the following invocation:

What is so rare as a day in May? As you look about and see the fact that we have had rainfall—badly needed in this state to bring up our water levels—and sunshine to bring up the crops and dry up the fields, let us realize that there is a power greater than ourselves. There is a world beyond politics. Amen.

Motions and Communications

Senator Emmons moved that Senator McCotter be temporarily excused from today's session.
The motion prevailed.

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

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:05 a.m.

11:07 a.m.

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

During the recess, Senators Murphy and McCotter entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received:

Date: May 29, 2001
Time: 8:55 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 67 (Public Act No. 9), being

An act to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by repealing section 6 (MCL 551.6).
(Filed with the Secretary of State on May 29, 2001, at 11:40 a.m.)

Date: May 29, 2001
Time: 9:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 103 (Public Act No. 10), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and

sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 15 of chapter XVII (MCL 777.15), as amended by 2000 PA 279.

(Filed with the Secretary of State on May 29, 2001, at 11:42 a.m.)

Date: May 29, 2001

Time: 9:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 104 (Public Act No. 11), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 2162 (MCL 600.2162), as amended by 2000 PA 182.

(Filed with the Secretary of State on May 29, 2001, at 11:44 a.m.)

Date: May 29, 2001

Time: 12:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 38 (Public Act No. 12), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 80176, 80177, 80178, 81134, and 82127 (MCL 324.80176, 324.80177, 324.80178, 324.81134, and 324.82127), section 80176 as amended by 1996 PA 174, sections 80177 and 80178 as added by 1995 PA 58, section 81134 as amended by 1999 PA 22, and section 82127 as amended by 1996 PA 183.

(Filed with the Secretary of State on May 29, 2001, at 2:20 p.m.)

Date: May 29, 2001

Time: 12:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 150 (Public Act No. 13), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance

violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 13 of chapter XVII (MCL 777.13), as amended by 2000 PA 412.

(Filed with the Secretary of State on May 29, 2001, at 2:22 p.m.)

Respectfully,
John Engler
Governor

The following message from the Governor was received:

May 29, 2001

Today I have signed and filed Enrolled Senate Bill 67.

Enrolled Senate Bill 67 repeals Section 6 of the Marriage Act. This section, in part, contains outdated and derogatory language regarding marriages of mentally disabled persons and those with other physical illnesses and warrants repeal.

However, following enrollment of Senate Bill 67, concern was raised that in some limited circumstances this statute was the only mechanism available to invalidate a marriage which had been engineered by a predator over an incapacitated person. While I believe our Marriage Act and Guardianship statutes are strong in Michigan, I am requesting that the sponsor quickly review the statutory safeguards that protect vulnerable individuals and ensure that no loophole has been created by the enactment of Senate Bill 67.

It is with this condition that I have signed and filed Enrolled Senate Bill 67.

Sincerely,
John Engler
Governor

The following message from the Governor was received on May 29, 2001, and read:

EXECUTIVE ORDER

No. 2001 - 1

**Department of History, Arts and Culture
Department of State
Department of Natural Resources
Department of Consumer and Industry Services
Michigan Strategic Fund**

Executive Reorganization

Whereas, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

Whereas, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units, which he considers necessary for efficient administration; and

Whereas, Article V, Section 8, of the Constitution of the state of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; and

Whereas, the founders of the United States believed it important that citizens have sufficient knowledge of history, the arts, and culture to exercise their right of self-government in an informed and responsible manner; and

Whereas, knowledge of history, the arts, and culture is fundamental to human enrichment and to a well-rounded education; and

Whereas, knowledge of and access to history, the arts, and culture promote civic awareness and mutual understanding among a diverse population; and

Whereas, Michigan citizens can be justifiably proud of their storied past as well as the many important contributions the people of our state have made to the arts and culture; and

Whereas, encouraging the preservation of history, creation of art, and development of culture makes Michigan an even more interesting and desirable place in which to travel and live; and

Whereas, the continuity of our civilization requires that knowledge and appreciation of our history, arts, and culture be transmitted to future generations; and

Whereas, good stewardship at the state level involves concern for the integrity of Michigan's many historic sites, archives, and other cultural resources and treasures; and

Whereas, the status of the State of Michigan's history, arts, and culture programs—which are currently dispersed in a variety of agencies and departments throughout state government—can be raised if organized within one department of state government; and

Whereas, it is necessary in the interests of efficient administration and good government to effect changes in the organization of the Executive Branch of government.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

As used herein:

A. The "Department of State" means the principal department created by Section 25 of Act No. 380 of the Public Acts of 1965, being Section 16.125 of the Michigan Compiled Laws.

B. The "Michigan Department of Natural Resources" means the principal department created in Executive Order 1991-31.

C. The "Department of Consumer and Industry Services" means the principal department created as the Department of Commerce by Section 225 of Act No. 380 of the Public Acts of 1965, being Section 16.325 of the Michigan Compiled Laws, and renamed the Michigan Department of Consumer and Industry Services in Executive Order 1996-2.

D. The "Michigan Economic Development Corporation" means the public body corporate created under Section 28 of Article VII of the Constitution of the state of Michigan of 1963 and the Urban Cooperation Act, Act No. 7 of the Public Acts of 1967, as amended, being Section 124.501 *et seq.* of the Michigan Compiled Laws, by a contractual interlocal agreement effective April 5, 1999 between local participating economic development corporations formed under the Economic Development Corporations Act, Act No. 338 of the Public Acts of 1974, as amended, being Section 125.1601 *et seq.* of the Michigan Compiled Laws, and the Michigan Strategic Fund.

E. The "Michigan Strategic Fund" means the entity created under Act No. 270 of the Public Acts of 1984, as amended, being Section 125.2001 *et seq.* of the Michigan Compiled Laws, and includes the Michigan Strategic Fund Board.

F. The "Michigan Historical Commission" means the entity created under Section 1 of Act No. 271 of the Public Acts of 1913, as amended, being Section 399.1 of the Michigan Compiled Laws.

G. The "Michigan Historical Center" means the entity described by Section 7a of Act No. 271 of the Public Acts of 1913, as amended, being Section 399.7a of the Michigan Compiled Laws, which is also referred to as the "Bureau of History" or "History Division" of the Department of State.

H. The "Mackinac Island State Park Commission" means the entity created under Section 76503(3) of Act No. 451 of the Public Acts of 1994, as amended, being Section 324.76503(3) of the Michigan Compiled Laws.

I. The "Michigan Council for Arts and Cultural Affairs" means the entity created in Executive Order 1991-21.

J. The "Office of Film and Television Services" means the entity created within the Department of Commerce by Executive Directive 1979-3, continued by Executive Order 1984-8, transferred from the Department of Commerce to the Michigan Jobs Commission by Executive Order 1994-26, transferred from the Michigan Jobs Commission to the Michigan Strategic Fund by Executive Order 1999-1, and transferred pursuant to Section 9.16 of the Interlocal Agreement from the Michigan Strategic Fund to the Michigan Economic Development Corporation.

II. CREATION OF THE DEPARTMENT OF HISTORY, ARTS AND CULTURE

The Department of History, Arts and Culture is hereby created. This department shall be headed by a Director who shall be appointed by and serve at the pleasure of the Governor.

III. DEPARTMENT OF STATE

A. All the statutory authority, powers, duties, functions and responsibilities of the Michigan Historical Commission, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in:

1. Act No. 271 of the Public Acts of 1913, as amended, being Section 399.1 *et seq.* of the Michigan Compiled Laws (Michigan Historical Commission);

2. Act No. 10 of the Public Acts of 1955, as amended, being Section 399.151 *et seq.* of the Michigan Compiled Laws (Registration of Historic Sites);

3. Sections 3 and 5 of Act No. 169 of the Public Acts of 1970, as amended, being Sections 399.203 and 399.205 of the Michigan Compiled Laws (Local Historic Districts Act);

4. Section 491 of Act No. 328 of the Public Acts of 1931, as amended, being Section 750.491 of the Michigan Compiled Laws (Authority to demand return of any books, papers, records of the state of Michigan under the Michigan Penal Code);

5. Section 2 of Act No. 8 of the Public Acts of 1897, as amended, being Section 35.232 of the Michigan Compiled Laws (Preservation of the records of the Michigan Grand Army of the Republic);

6. Act No. 54 of the Public Acts of 1927, as amended, being Section 399.51 of the Michigan Compiled Laws (Transfer of records of United States Land Office); and

7. Act No. 55 of the Public Acts of 1927, as amended, being Section 399.61 of the Michigan Compiled Laws (Transfer of public survey office of the United States records relating to the State of Michigan) are hereby transferred from the Department of State to the Department of History, Arts and Culture by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. All the statutory authority, powers, duties, functions and responsibilities of the Secretary of State, the Department of State and the Michigan Historical Center, as set forth in:

1. Sections 4a, 6, 7 and 7a of Act No. 271 of the Public Acts of 1913, as amended, being Sections 399.4a, 399.6, 399.7 and 399.7a of the Michigan Compiled Laws (Historical records, Historical publications, Historical center, retail sales store, museum operations fund);

2. Sections 3, 5 and 9 of Act No. 169 of the Public Acts of 1970, as amended, being Sections 399.203, 399.205 and 399.209 of the Michigan Compiled Laws (Local Historic Districts Act);

3. Section 29(2) of Act No. 197 of the Public Acts of 1975, as amended, being Section 125.1679(2) of the Michigan Compiled Laws (Preservation of Historical Sites under the jurisdiction of a Downtown Development Authority);

4. Section 39c of Act No. 228 of the Public Acts of 1975, as amended, being Section 208.39c of the Michigan Compiled Laws (Single Business Tax credit for the rehabilitation of a historic resource, certification by the Michigan Historical Center);

5. Section 266 of Act No. 281 of the Public Acts of 1967, as amended, being Section 206.266 of the Michigan Compiled Laws (Income Tax credit for the rehabilitation of a historic resource, certification by the Michigan Historical Center);

6. Sections 284, 285, 287, 288, 289 and 292 of Act No. 431 of the Public Acts of 1984, as amended, being Sections 18.1284, 18.1285, 18.1287, 18.1288, 18.1289 and 18.1292 of the Michigan Compiled Laws (Management and Budget Act, records management, retention, disposal, inspection, inventory, protection and preservation);

7. Section 2 of Act No. 116 of the Public Acts of 1992, as amended, being Section 24.402 of the Michigan Compiled Laws (Records Media Act);

8. Act No. 69 of the Public Acts of 1976, as amended, being Section 399.111 *et seq.* of the Michigan Compiled Laws (Historic Sites);

9. Section 13(1)(o) of Act No. 442 of the Public Acts of 1976, as amended, being Section 15.243(1)(o) of the Michigan Compiled Laws (Authority to promulgate rules to provide for the disclosure of the location of archaeological sites);

10. Sections 76101, 76102, 76103, 76104, 76105, 76106, 76107, 76108, 76109, 76110, 76111, 76112, 76113, 76114 and 76118 of Act No. 451 of the Public Acts of 1994, being Sections 324.76101, 324.76102, 324.76103, 324.76104, 324.76105, 324.76106, 324.76107, 324.76108, 324.76109, 324.76110, 324.76111, 324.76112, 324.76113, 324.76114 and 324.76118 of the Michigan Compiled Laws (Aboriginal Records and Antiquities); and

11. Section 2137 of Act No. 236 of the Public Acts of 1961, as amended, being Section 600.2137 of the Michigan Compiled Laws (Reproduction and destruction of Court Records) are hereby transferred from the Department of State to the Department of History, Arts and Culture by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

C. All the statutory authority, powers, duties, functions and responsibilities of the Secretary of State, the Department of State and the Michigan Historical Center set forth in the following provisions of federal law regarding the State Historic Preservation Office:

1. The National Historic Preservation Act of 1966, 80 Stat. 915, 16 USC 470 *et. seq.*; and

2. Federal rules and regulations adopted pursuant to The National Historic Preservation Act of 1966, including but not limited to those set forth in Title 36, Chapter I, Part 61 of the Code of Federal Regulations, 36 CFR § 61 *et seq.*, are hereby transferred to the Department of History, Arts and Culture by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

D. All the statutory authority, powers, duties, functions and responsibilities of the Michigan Iron Industry Museum Advisory Board, created pursuant to Act No. 152 of the Public Acts of 1984, as amended, being Section 399.71 *et seq.* of the Michigan Compiled Laws, are hereby transferred from the Department of State to the Department of History, Arts and Culture by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

E. All the statutory authority, powers, duties, functions and responsibilities of the Michigan Freedom Trail Commission, created pursuant to Act No. 409 of the Public Acts of 1998, as amended, being Section 399.81 *et seq.* of the Michigan Compiled Laws, are hereby transferred from the Department of State to the Department of History, Arts and Culture by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

IV. MICHIGAN DEPARTMENT OF NATURAL RESOURCES

A. All the statutory authority, powers, duties, functions, and responsibilities of the Mackinac Island State Park Commission, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in:

1. Sections 76501 through 76509, 76701 through 76709, 76901, 76902, 76903, 77101, 77301, 77302, 77501, 77502, and 77701 through 77704 of Act No. 451 of the Public Acts of 1994, as amended, being Sections 324.76501 through 324.76509, 324.76701 through 324.76709, 324.76901, 324.76902, 324.76903, 324.77101, 324.77301, 324.77302, 324.77501, 324.77502, and 324.77701 through 324.77704 of the Michigan Compiled Laws (Mackinac Island State Park, Mackinac Island State Park Commission, Mackinac Island State Park Rules, Mackinac Island Fire Protection, Old Mission Church at Mackinac Island, Mackinac Island Clerk's Quarters—American Fur Company, Michilimackinac State Park);

2. Act No. 285 of the Public Acts of 1975 (Transfer of Mill Creek Site to Mackinac Island State Park Commission; Mill Creek Site to become part of the Mackinac Island State Park);

3. Act No. 31 of the Public Acts of 1945 (Appropriation for Acquisition of land associated with the Governor's Summer Residence, land to become part of the Mackinac Island State Park); and

4. Section 511 of Act No. 58 the Public Acts of 1998, as amended, being Section 436.1511 of the Michigan Compiled Laws (Liquor Licenses at Mackinac Island State Park) are hereby transferred from the Michigan Department of Natural Resources to the Department of History, Arts and Culture by a Type I transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The commission shall function as the appointing authority for the civil service and contractual employees of the commission.

C. The issuance of revenue bonds, and all bonds, reserve and trust funds currently in effect shall continue in effect under the responsibility of the commission, subject to any agreement with bond holders.

V. DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

All the statutory authority, powers, duties, functions and responsibilities of the Michigan Council for Arts and Cultural Affairs, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Executive Order 1991-21, are hereby transferred from the Department of Consumer and Industry Services to the Department of History, Arts and Culture by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

VI. MICHIGAN STRATEGIC FUND

All of the statutory authority, powers, duties, functions and responsibilities of the Office of Film and Television Services, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Executive Directive 1979-3, Executive Order 1984-8, Executive Order 1994-26 and Executive Order 1999-1, upon its return from the Michigan Economic Development Corporation to the Michigan Strategic Fund, are hereby transferred from the Michigan Strategic Fund to the Department of History, Arts and Culture by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

VII. MISCELLANEOUS

A. The Director of the Department of History, Arts and Culture, or other individual designated by the Governor, shall provide executive direction and supervision for the implementation of all transfers of authority to the Department of History, Arts and Culture made under this Order.

B. The Director of the Department of History, Arts and Culture shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. The Director of the Department of History, Arts and Culture, or other individual designated by the Governor and the directors of all other state departments and agencies having authority transferred to the Department of History, Arts and Culture under this order shall jointly identify the program positions and administrative function positions that will be transferred to the Department of History, Arts and Culture according to the terms of this Order. The Director of the Department of History, Arts and Culture, or other individual designated by the Governor and the directors of all other state departments and agencies having authority transferred to the Department of History, Arts and Culture under this Order shall develop an agreement specifying these positions no later than the effective date of this Order and the transfers shall be implemented no later than 120 days from the effective date of this Order.

D. The Director of the Department of History, Arts and Culture, or other individual designated by the Governor, shall immediately initiate coordination with the directors of all other state departments and agencies having authority transferred to the Department of History, Arts and Culture under this Order to facilitate the transfer and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

E. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and

responsibilities transferred to the Department of History, Arts and Culture by this Order are hereby transferred to the Department of History, Arts and Culture.

F. The Director of the Department of History, Arts and Culture, or other individual designated by the Governor, may request the assistance of the Department of Consumer and Industry Services, the Department of State, the Michigan Department of Natural Resources and the Department of Management and Budget with respect to personnel, budgeting, procurement, information systems and other management-related functions and such departments shall provide such assistance.

G. The Director of the Department of History, Arts and Culture may by written instrument delegate a duty or power conferred by law or this Order and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of History, Arts and Culture.

H. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

I. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Department of History, Arts and Culture by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.

J. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

K. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective August 5, 2001.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 29th day of May, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

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

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

Senate Bill No. 231
House Bill No. 4256
Senate Bill No. 493
Senate Bill No. 494
Senate Bill No. 496
House Bill No. 4029
Senate Bill No. 27
Senate Bill No. 35
Senate Bill No. 396
Senate Bill No. 436
House Bill No. 4235
House Bill No. 4550
House Bill No. 4255
Senate Bill No. 491
Senate Bill No. 492

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 231, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2001 and September 30, 2002; to implement the appropriations

within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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. 123

Yeas—34

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Emerson	Johnson	Schuetz	Van Regenmorter
Emmons	Koivisto	Schwarz	Young
Garcia	Leland		

Nays—0

Excused—3

Byrum	Dunaskiss	Vaughn
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4256, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The 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. 124

Yeas—34

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars

Cherry
DeBeaussiaert
DeGrow
Dingell
Emerson
Emmons
Garcia

Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

Miller
Murphy
North
Peters
Schuette
Schwarz

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

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

The following bill was read a third time:

Senate Bill No. 493, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1242 (MCL 500.1242).

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. 125

Yeas—34

Bennett
Bullard
Cherry
DeBeaussiaert
DeGrow
Dingell
Emerson
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 494, entitled

A bill to repeal 1895 PA 266, entitled “An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith,” (MCL 550.101 to 550.109).

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. 126**Yeas—34**

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussiaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Emerson	Johnson	Schuette	Van Regenmorter
Emmons	Koivisto	Schwarz	Young
Garcia	Leland		

Nays—0**Excused—3**

Byrum	Dunaskiss	Vaughn
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 496, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 456 (MCL 500.456), as amended by 1989 PA 214.

The question being on the passage of the bill,

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

Roll Call No. 127**Yeas—34**

Bennett
Bullard
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—3**

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4029, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2117 (MCL 500.2117), as amended by 1980 PA 461.

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. 128**Yeas—34**

Bennett
Bullard
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—3**

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 27, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 806 (MCL 257.806), as amended by 2000 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. 129

Yeas—34

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussiaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Emerson	Johnson	Schuette	Van Regenmorter
Emmons	Koivisto	Schwarz	Young
Garcia	Leland		

Nays—0

Excused—3

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 35, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 907 (MCL 257.907), as amended by 1998 PA 103.

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. 130

Yeas—20

Bennett
Bullard
DeBeaussaert
DeGrow
Dingell

Gast
Gougeon
Hammerstrom
Johnson
Koivisto

McCotter
McManus
Miller
North
Peters

Schuetten
Schwarz
Sikkema
Smith
Steil

Nays—14

Cherry
Emerson
Emmons
Garcia

Goschka
Hart
Hoffman
Leland

Murphy
Scott
Shugars

Stille
Van Regenmorter
Young

Excused—3

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 396, entitled

A bill to amend 1941 PA 205, entitled “An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities,” by amending section 2 (MCL 252.52), as amended by 1999 PA 47.

The question being on the passage of the bill,

Senator McCotter offered the following amendment:

1. Amend page 4, line 24, after “SUBSECTION.” by inserting “THE STATE TRANSPORTATION DEPARTMENT SHALL NOT REMOVE SIGNS ON LIMITED ACCESS HIGHWAYS THAT EXIST ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND THAT INDICATE EXITS WITHIN 10 MILES OF A HOSPITAL THAT PROVIDES 24-HOUR EMERGENCY CARE BUT THAT DO NOT OTHERWISE SATISFY THE REQUIREMENTS OF THIS SUBSECTION.”.

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

The question being on the passage of the bill,

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

Roll Call No. 131

Yeas—34

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussiaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Emerson	Johnson	Schuetz	Van Regenmorter
Emmons	Koivisto	Schwarz	Young
Garcia	Leland		

Nays—0

Excused—3

Byrum	Dunaskiss	Vaughn
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 436, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 733 (MCL 257.733), as amended by 1994 PA 50.

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. 132**Yeas—33**

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Emerson	Johnson	Schuetten	Van Regenmorter
Emmons	Koivisto	Schwarz	Young
Garcia			

Nays—1

Leland

Excused—3

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4235, entitled

A bill to designate highway M-109 located in Leelanau county as the “D.H. Day Highway”; and to prescribe the duties of the state transportation department.

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. 133**Yeas—34**

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Emerson	Johnson	Schuetten	Van Regenmorter
Emmons	Koivisto	Schwarz	Young
Garcia	Leland		

Nays—0

Excused—3

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

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

The following bill was read a third time:

House Bill No. 4550, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

The question being on the passage of the bill,

Senator Hart offered the following amendment:

1. Amend page 12, line 19, after “STATE” by inserting “BORDERING THE STATE OF MICHIGAN, EXCLUDING PHYSICIANS LICENSED AND PRACTICING IN THE COUNTRY OF CANADA,”.

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

The question being on the passage of the bill,

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

Roll Call No. 134**Yeas—34**

Bennett

Gast

McCotter

Scott

Bullard

Goschka

McManus

Shugars

Cherry

Gougeon

Miller

Sikkema

DeBeaussaert

Hammerstrom

Murphy

Smith

DeGrow

Hart

North

Steil

Dingell

Hoffman

Peters

Stille

Emerson

Johnson

Schuette

Van Regenmorter

Emmons

Koivisto

Schwarz

Young

Garcia

Leland

Nays—0**Excused—3**

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

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

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

“An act to 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 impose liability upon the state or 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.

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

The motion prevailed.

Senator Hart’s statement is as follows:

This particular bill currently is too open-ended and creates a problem with policing the fraudulent issuance of disabled parking permits. You know, there is an abuse all over America, let alone in Michigan. I am going to exclude the portion that relates to practicing in the country of Canada and make it just uniform that only the adjoining bordering states where there are physicians who practice in Chicago or in Toledo. Let it apply to our bordering states. We can’t police the entire country, and if someone gets a placard from Nevada, how are we going to police all these states? We can’t do it. Let’s take action on the immediate problem.

The following bill was read a third time:

House Bill No. 4255, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The question being on the passage of the bill,

Senator Smith offered the following amendments:

1. Amend page 19, line 18, after “facility.” by striking out “The report shall contain a comparison of the information for this facility with information for facilities housing similar populations in other states, with other Michigan facilities with similar sized populations, and with other Michigan facilities that house younger populations.”.

2. Amend page 19, line 22, after “programs.” by striking out “Program information shall report the number of available enrollments, the number of enrollments and the number waiting for participation for each program offered.”.

3. Amend page 40, following line 27, by inserting:

“Sec. 711. (1) As a condition of receipt of the funds appropriated in section 105 for community corrections plans and services and probation residential centers, the department shall only award those funds requested under a properly prepared and approved comprehensive corrections plan submitted under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, or directly applied for under section 10 of the community corrections act, 1988 PA 511, MCL 791.410.

(2) The department shall only halt funding for an entity funded under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, in instances of substantial noncompliance during the period covered by the plan.”.

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

Senator Smith offered the following amendments:

1. Amend page 19, line 22, after “programs.” by inserting “Program information shall report the number of available enrollments, the number of enrollments, and the number waiting for participation for each program offered.”.

2. Amend page 21, line 26, by inserting:

“Sec. 221. By April 1, 2002, the department shall submit a report to the senate and house appropriations subcommittee on corrections and the senate and house fiscal agencies comparing the Michigan youth correctional

facility with privately operated facilities in other states. The report shall compare the information required in section 215 with corresponding information available to the public or provided by Wackenhut for similar correctional facilities. The report shall indicate the similarities between the comparison facilities and the Michigan youth correctional facility, such as the population size, population age, or population gender. The report shall also make a comparison with other Michigan prisons.”.

The amendments were not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 135**Yeas—34**

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Emerson	Johnson	Schuetz	Van Regenmorter
Emmons	Koivisto	Schwarz	Young
Garcia	Leland		

Nays—0**Excused—3**

Byrum	Dunaskiss	Vaughn
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Not Voting—0

In The Chair: Hoffman

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

The following bill was read a third time:

Senate Bill No. 491, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4 (MCL 205.94), as amended by 2000 PA 200.

The question being on the passage of the bill,

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

Roll Call No. 136**Yeas—34**

Bennett	Gast	McCotter	Scott
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil

Dingell
Emerson
Emmons
Garcia

Hoffman
Johnson
Koivisto
Leland

Peters
Schuette
Schwarz

Stille
Van Regenmorter
Young

Nays—0

Excused—3

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 492, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4x (MCL 205.54x), as added by 2000 PA 204.

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. 137

Yeas—34

Bennett
Bullard
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Byrum

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Scott 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:

Senate Bill No. 470, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 459.

Senate Bill No. 478, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending the title and sections 1, 1a, 2, 3, and 3a (MCL 28.241, 28.241a, 28.242, 28.243, and 28.243a), the title and sections 1 and 2 as amended by 1988 PA 40, section 1a as amended by 1996 PA 259, section 3 as amended by 1999 PA 266, and section 3a as amended by 1986 PA 231, and by adding section 8.

Senate Bill No. 479, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter IX (MCL 769.16a), as amended by 2000 PA 220.

House Bill No. 4412, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the part heading to part 417 and sections 41701, 41702, 41703, 41704, 41706, 41707, 41708, 41710, 41712, 42714, and 43530 (MCL 324.41701, 324.41702, 324.41703, 324.41704, 324.41706, 324.41707, 324.41708, 324.41710, 324.41712, 324.42714, and 324.43530), sections 41701, 41702, 41703, 41704, 41706, 41707, 41708, 41710, 41712, and 42714 as added by 1995 PA 57 and section 43530 as amended by 1996 PA 585.

Senate Bill No. 471, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 1996 PA 210.

Senate Bill No. 371, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by repealing section 274 (MCL 206.274).

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:

House Bill No. 4253, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (S-1).

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

1. Amend page 22, line 18, after "the" by striking out the balance of the sentence and inserting "highest in-district tuition and fees for community colleges for the immediately preceding academic year as reported before August 1 after that academic year."

2. Amend page 22, line 22, after “the” by striking out the balance of the sentence and inserting “highest in-district tuition and fees for community colleges for the immediately preceding academic year as reported before August 1 after that academic year.”.

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. 4254, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2002; to make, supplement, and adjust appropriations for certain projects for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 29, following line 8, by inserting:

“Sec. 224. (1) If there is an increase in the \$9,270,300,000.00 estimate of fiscal year 2001-2002 state general fund/general purpose revenue from the May 2001 consensus revenue estimating conference to the January 2002 consensus revenue estimating conference, the increase in fiscal year 2001-2002 revenue, up to the amount of difference between the general fund/general purpose funding level contained in the original governor’s recommendation for the fiscal year 2001-2002 department of community health budget appropriation bill and the amount of general fund/general purpose funding contained in that bill as enacted, shall be appropriated to the department of community health.

(2) The amount appropriated for the department of community health pursuant to subsection (1) shall be used to restore services that may have been cut or reduced as a result of the reduction in general fund/general purpose funding for the fiscal year 2001-2002 department of community health budget due to the estimated amount of general fund/general purpose revenue available for fiscal year 2001-2002 and to increase payment rates for Medicaid and other providers of direct services to the department, allocated as a fixed percentage based on the amount of funds available, but not to exceed 2%.”.

2. Amend page 46, following line 10, by inserting:

“Sec. 433. The department shall apply for a “System of Change” grant from the health care financing administration. This grant is intended to support self-determination initiatives, including a consumer cooperative proposal, for persons with developmental disabilities and persons with mental illness.”.

3. Amend page 100, following line 2, by inserting:

“Sec. 2202. The certificate of need commission shall take the necessary steps to remove the cap that currently exists in standards related to positron emission tomography. The commission shall accomplish this no later than September 11, 2001.”.

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. 4258, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2002; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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:
Senate Bill No. 133, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending the title and sections 1, 2, 3, and 4 (MCL 28.211, 28.212, 28.213, and 28.214), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

Substitute (S-3).

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

1. Amend page 7, line 6, after "~~council~~" by inserting "DO EITHER OF THE FOLLOWING:

(A)".

2. Amend page 7, following line 9, by inserting:

"(B) SUSPEND OR DENY USE OF OR ACCESS TO INFORMATION TO AN INDIVIDUAL WHO VIOLATES POLICIES OR PROMULGATED RULES OF THE COUNCIL."

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. 469, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 319, 617, and 904d (MCL 257.303, 257.307, 257.319, 257.617, and 257.904d), sections 303, 319, and 904d as amended by 2000 PA 460, section 307 as amended by 1999 PA 118, and section 617 as amended by 1989 PA 267.

Substitute (S-2).

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

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

"SEC. 58C. "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

(A) LOSS OF A LIMB OR LOSS OF USE OF A LIMB.

(B) LOSS OF A FOOT, HAND, FINGER, OR THUMB OR LOSS OF USE OF A FOOT, HAND, FINGER, OR THUMB.

(C) LOSS OF AN EYE OR EAR OR LOSS OF USE OF AN EYE OR EAR.

(D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

(E) SERIOUS VISIBLE DISFIGUREMENT.

(F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

(G) MEASURABLE BRAIN OR MENTAL IMPAIRMENT.

(H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

(I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

(J) LOSS OF AN ORGAN."

2. Amend page 27, line 9, by striking out all of subsections (4) and (5).

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. 497, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222 and 237 (MCL 750.222 and 750.237), section 222 as amended by 1992 PA 217.

Substitute (S-2).

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

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

Senate Bill No. 498, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2000 PA 279.

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. 4257, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the 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.

Substitute (S-1).

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

1. Amend page 27, line 1, by striking out all of section 223 and inserting:

“Sec. 223. The department shall not use funds appropriated in part 1 to issue a permit to drill and operate an oil or gas well that is to be directionally drilled to a target beneath the waters of the Great Lakes unless all of the following conditions are satisfied:

(a) The surface location of the oil or gas well and newly constructed surface facilities associated with the well will be not less 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters.

(b) The department requires setbacks farther than 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters when environmental considerations, such as meandering riverine floodplains and coastal wetlands, require additional setbacks.

(c) No portion of any new access road associated with the well will be less than 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters, unless the proposed access road will be extended from an existing road within 1,500 feet of the ordinary high-water mark.

(d) If located on land that is zoned primarily for residential or recreational purposes at the time the application for a permit is submitted, or on land owned by the state and managed primarily for recreational or public access purposes, the oil or gas well, and the surface facilities associated with the well, will not be visible from the shoreline or from areas maintained for public recreation contiguous to the shoreline of the Great Lakes or connecting waters. This condition may be satisfied by natural topographic barriers, berming, or vegetative screening.

(e) The oil or gas well, and the newly constructed surface facilities and access roads associated with the well, will not be located within any of the following:

(i) An environmental area as that term is defined in part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315.

(ii) The setback from the bluffline in a high-risk area as designated by the department under part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315.

(iii) A critical dune area as that term is defined in part 353 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.35301 to 324.35326.

(f) The oil or gas well and the newly constructed surface facilities associated with the well will not be located within a flood risk area as that term is defined in part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315, if there is a feasible and prudent alternative location at which they may be located. If there is no feasible and prudent alternative location, an area for a 25-foot radius around the wellhead, and all secondary containment areas at surface facilities, shall be constructed so the elevation is at least 1 foot above the 100-year floodplain of a Great Lake or connecting waterway.

(g) An excavated pit will not be utilized for the disposal of drilling mud and cuttings.

(h) The well casing will be cemented into the borehole from the surface down to a minimum of 100 feet below the base of the glacial drift into competent bedrock and 100 feet below all freshwater strata.

(i) The department requires use of the most advanced but proven technology and the employment of rigorous permit requirements to help ensure the reasonable protection of all resources in development areas.

(j) The department of natural resources has established a leasing process to review the social and aesthetic impacts for inconsistencies and incompatibilities of activities on adjacent properties including, but not limited to, all of the following:

(i) Noise.

(ii) Odors.

(iii) Congestion.

(iv) Vistas.

(v) Undisturbed landscapes.

(vi) Recreation and tourism.

(k) The department has reviewed existing and potential permit conditions, including bonding requirements and the amount and use of permit application fees, for adequacy in protecting the shoreline environment from adverse impacts.

(l) The department of natural resources has sought stakeholder participation prior to a lease sale.

(m) The department has assessed the ability of geologic units to act as a seal.

(n) Prior to the leasing of any Great Lakes bottomlands in any county along Lake Michigan or Lake Huron, the department of natural resources has compiled a comprehensive coastal zone environmental inventory for that county in order to clearly identify and evaluate, at a minimum, areas that are already impacted with oil and gas development, areas where leases could not be issued for future development, and areas where directional drilling development leases could be allowed provided that such development could be documented as to cause only minimal and mitigable environmental impacts and conflicts to the shoreline.

(o) When possible, the department shall prohibit the construction of any new infrastructures and shall limit oil and gas development to areas where existing infrastructures, such as pipelines, transmission lines, and roads, are already available to minimize intrusions into virgin or undisturbed areas and to prevent further intrusions into minimally disturbed areas.”.

2. Amend page 28, following line 5, by inserting:

“Sec. 226. The department shall ensure that all projects funded with the appropriations in part 1 that involve construction, renovation, cleanup, or redevelopment within 500 feet of a river, stream, creek, lake, or wetland include state-of-the-art storm-water control mechanisms. Projects funded with the appropriations in part 1 shall not include the installation of any object or mechanism that routes storm-water directly into a river, stream, creek, lake, or wetland.”.

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. 4259, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2002; 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.

Substitute (S-1).

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

1. Amend page 19, following line 3, by inserting:

“Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.”.

2. Amend page 28, line 4, after “Sec. 901.” by inserting “(1)”.

3. Amend page 28, line 5, after “on” by striking out “69,000” and inserting “63,000”.

4. Amend page 28, following line 11, by inserting:

“(2) The department is encouraged to continue workgroup efforts to develop an old growth forest stewardship strategy.

5. Amend page 31, following line 8, by inserting:

“Sec. 1006. The department shall not expend appropriations under this act for the purpose of leasing bottomlands of the Great Lakes or their connecting waters for oil or gas exploration or production through a directionally drilled well unless all of the following conditions are satisfied:

(a) The surface location of the oil or gas well and newly constructed surface facilities associated with the well will be not less than 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters.

(b) The department of environmental quality requires setbacks farther than 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters when environmental considerations, such as meandering riverine floodplains and coastal wetlands, require additional setbacks.

(c) No portion of any new access road associated with the well will be less than 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters, unless the proposed access road will be extended from an existing road within 1,500 feet of the ordinary high-water mark.

(d) If located on land that is zoned primarily for residential or recreational purposes at the time the application for a permit to drill the well is submitted to the department of environmental quality, or on land owned by the state and managed primarily for recreational or public access purposes, the oil or gas well, and the surface facilities associated with the well, will not be visible from the shoreline or from areas maintained for public recreation contiguous to the shoreline of the Great Lakes or connecting waters. This condition may be satisfied by natural topographic barriers, berming, or vegetative screening.

(e) The oil or gas well, and the newly constructed surface facilities and access roads associated with the well, will not be located within any of the following:

(i) An environmental area as that term is defined in part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315.

(ii) The setback from the bluffline in a high-risk area as designated by the department of environmental quality under part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315.

(iii) A critical dune area as that term is defined in part 353 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.35301 to 324.35326.

(f) The oil or gas well and the newly constructed surface facilities associated with the well will not be located within a flood risk area as that term is defined in part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315, if there is a feasible and prudent alternative location at which they may be located. If there is no feasible and prudent alternative location, an area for a 25-foot radius around the wellhead, and all secondary containment areas at surface facilities, shall be constructed so the elevation is at least 1 foot above the 100-year floodplain of a Great Lake or connecting waterway.

(g) An excavated pit will not be utilized for the disposal of drilling mud and cuttings.

(h) The well casing will be cemented into the borehole from the surface down to a minimum of 100 feet below the base of the glacial drift into competent bedrock and 100 feet below all freshwater strata.

(i) The department of environmental quality requires use of the most advanced but proven technology and the employment of rigorous permit requirements to help ensure the reasonable protection of all resources in development areas.

(j) The department has established a leasing process to review the social and aesthetic impacts for inconsistencies and incompatibilities of activities on adjacent properties including, but not limited to, all of the following:

(i) Noise.

(ii) Odors.

(iii) Congestion.

(iv) Vistas.

(v) Undisturbed landscapes.

(vi) Recreation and tourism.

(k) The department of environmental quality has reviewed existing and potential permit conditions, including bonding requirements and the amount and use of permit application fees, for adequacy in protecting the shoreline environment from adverse impacts.

(l) The department has sought stakeholder participation prior to a lease sale.

(m) The department of environmental quality has assessed the ability of geologic units to act as a seal.

(n) Prior to the leasing of any Great Lakes bottomlands in any county along Lake Michigan or Lake Huron, the department has compiled a comprehensive coastal zone environmental inventory for that county in order to clearly identify and evaluate, at a minimum, areas that are already impacted with oil and gas development, areas where leases could not be issued for future development, and areas where directional drilling development leases could be allowed provided that such development could be documented as to cause only minimal and mitigable environmental impacts and conflicts to the shoreline.

(o) When possible, the department of environmental quality shall prohibit the construction of any new infrastructures and shall limit oil and gas development to areas where existing infrastructures, such as pipelines, transmission lines, and roads, are already available to minimize intrusions into virgin or undisturbed areas and to prevent further intrusions into minimally disturbed areas.”.

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

Point of Order

During the Committee of the Whole, Senator Cherry raised the Point of Order that the following amendment offered by Senators Schuette, Stille and Sikkema to House Bill No. 4257 (S-1) was not germane because it was an amendment by reference to another bill:

1. Amend page 27, line 1, by striking out all of section 223 and inserting:

“Sec. 223. The department shall not use funds appropriated in part 1 to issue a permit to drill and operate an oil or gas well that is to be directionally drilled to a target beneath the waters of the Great Lakes unless all of the following conditions are satisfied:

(a) The surface location of the oil or gas well and newly constructed surface facilities associated with the well will be not less 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters.

(b) The department requires setbacks farther than 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters when environmental considerations, such as meandering riverine floodplains and coastal wetlands, require additional setbacks.

(c) No portion of any new access road associated with the well will be less than 1,500 feet from the ordinary high-water mark of the Great Lakes and connecting waters, unless the proposed access road will be extended from an existing road within 1,500 feet of the ordinary high-water mark.

(d) If located on land that is zoned primarily for residential or recreational purposes at the time the application for a permit is submitted, or on land owned by the state and managed primarily for recreational or public access purposes, the oil or gas well, and the surface facilities associated with the well, will not be visible from the shoreline or from

areas maintained for public recreation contiguous to the shoreline of the Great Lakes or connecting waters. This condition may be satisfied by natural topographic barriers, berming, or vegetative screening.

(e) The oil or gas well, and the newly constructed surface facilities and access roads associated with the well, will not be located within any of the following:

(i) An environmental area as that term is defined in part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315.

(ii) The setback from the bluffline in a high-risk area as designated by the department under part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315.

(iii) A critical dune area as that term is defined in part 353 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.35301 to 324.35326.

(f) The oil or gas well and the newly constructed surface facilities associated with the well will not be located within a flood risk area as that term is defined in part 323 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.32301 to 324.32315, if there is a feasible and prudent alternative location at which they may be located. If there is no feasible and prudent alternative location, an area for a 25-foot radius around the wellhead, and all secondary containment areas at surface facilities, shall be constructed so the elevation is at least 1 foot above the 100-year floodplain of a Great Lake or connecting waterway.

(g) An excavated pit will not be utilized for the disposal of drilling mud and cuttings.

(h) The well casing will be cemented into the borehole from the surface down to a minimum of 100 feet below the base of the glacial drift into competent bedrock and 100 feet below all freshwater strata.

(i) The department requires use of the most advanced but proven technology and the employment of rigorous permit requirements to help ensure the reasonable protection of all resources in development areas.

(j) The department of natural resources has established a leasing process to review the social and aesthetic impacts for inconsistencies and incompatibilities of activities on adjacent properties including, but not limited to, all of the following:

(i) Noise.

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(l) The department of natural resources has sought stakeholder participation prior to a lease sale.

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(n) Prior to the leasing of any Great Lakes bottomlands in any county along Lake Michigan or Lake Huron, the department of natural resources has compiled a comprehensive coastal zone environmental inventory for that county in order to clearly identify and evaluate, at a minimum, areas that are already impacted with oil and gas development, areas where leases could not be issued for future development, and areas where directional drilling development leases could be allowed provided that such development could be documented as to cause only minimal and mitigable environmental impacts and conflicts to the shoreline.

(o) When possible, the department shall prohibit the construction of any new infrastructures and shall limit oil and gas development to areas where existing infrastructures, such as pipelines, transmission lines, and roads, are already available to minimize intrusions into virgin or undisturbed areas and to prevent further intrusions into minimally disturbed areas.”.

The Chairperson, Senator Scott, ruled that the amendment was germane because it did not reference another bill.

Senator Stille moved that he be excused from tomorrow’s session.

The motion prevailed.

He will be attending a national legislative conference.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Young introduced

Senate Bill No. 514, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 506b. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Young introduced

Senate Bill No. 515, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVII (MCL 777.18), as amended by 2000 PA 304.

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

Senators Koivisto, North, Dingell, McManus, Goschka, Peters, Byrum, Bullard and Miller introduced

Senate Bill No. 516, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d.

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

Senators Hammerstrom, Shugars and Byrum introduced

Senate Bill No. 517, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2000 PA 29.

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

Senators Bullard and McCotter introduced

Senate Bill No. 518, entitled

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending section 3 (MCL 123.1133).

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

Senators Sikkema, Johnson, Koivisto, Steil, Bullard and North introduced

Senate Bill No. 519, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6404, 6407, 6410, 6413, and 6461 (MCL 600.6404, 600.6407, 600.6410, 600.6413, and 600.6461), section 6410 as amended by 1986 PA 308, and by adding section 6408.

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

Committee Reports

The Committee on Finance reported

House Bill No. 4459, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 1996 PA 242.

With the recommendation that the bill pass.

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

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, May 29, 2001, at 1:29 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Emmons (C), Bullard, Garcia and Peters

Excused: Senator Byrum

Scheduled Meetings

Appropriations - Wednesday, June 6, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Capital Outlay, Joint - Thursday, June 7, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Banking and Financial Institutions - Thursday, May 31, 9:00 a.m., Room 210, Farnum Building (373-2420)

Economic Development, International Trade and Regulatory Affairs - Thursday, May 31, 11:00 a.m., Room 110, Farnum Building (373-7946)

Judiciary - Recessed until Thursday, May 31, 10:00 a.m., Elijah Myers Room, 2nd Floor, Capitol Building (373-6920)

Local, Urban and State Affairs - Thursday, May 31, 9:30 a.m., Room 405, Capitol Building (373- 1707)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 2:10 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, May 31, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

