

No. 49
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 31, 2001.

10:00 a.m.

The Senate was called to order by the Assistant Associate President pro tempore, Senator Arthur J. Miller, Jr.

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

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

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

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

Senator Walter H. North of the 37th District offered the following invocation:

Dear God, we thank Thee for this lovely day with the northern-Michigan-like temperature. We thank Thee for the opportunity to serve the people of our great state, but more importantly, we thank Thee for the opportunity to serve Thee. As we deliberate the problems that face the citizens of our state today, let us show compassion and wisdom in granting solutions that are fair and just for all. All of this we ask in Thy name. Amen.

Senators Smith and Young entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Dunaskiss, Schwarz, Van Regenmorter and Garcia be temporarily excused from today's session.

The motion prevailed.

Senator Emmons moved that Senators Hoffman and Stille be excused from today's session.

The motion prevailed.

Senator Murphy entered the Senate Chamber.

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

The motion prevailed.

Senator Byrum stated that had she been present when the votes were taken on Tuesday, May 29, on the motion to give the following bills immediate effect, she would have voted "yea":

Senate Bill No. 72

Senate Bill No. 73

Senator Byrum stated that had she been present when the votes were taken on Wednesday, May 30, on the passage of the following bills, she would have voted "yea":

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

Senator Byrum stated that had she been present when the vote was taken on Wednesday, May 30, on the adoption of the amendment offered by Senator Smith on the following bill, she would have voted "yea":

House Bill No. 4255

Senator Emmons 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.

The following communication was received:
Office of the Auditor General

May 25, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of Selected Community Colleges' Reporting of Activities Classification Structure Data, July 1, 1999 through June 30, 2000.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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 30:
House Bill Nos. 4610 4611 4612 4613 4614 4789

The Secretary announced the printing and placement in the members' files on Wednesday, May 30, of:
Senate Bill Nos. 507 508 509 510 511 512 513

Messages from the Governor

The following messages from the Governor were received and read:

May 30, 2001

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Michigan Historical Commission

Mr. Keith Molin, 3253 Bolgos Circle, Ann Arbor, Michigan 48105, county of Washtenaw, as a member representing the general public, succeeding himself, for a term expiring on May 21, 2007.

May 30, 2001

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointment to office:

Michigan Technological University Board of Control

Dr. Ruth Annette Reck, 7229 Westchester, West Bloomfield, Michigan 48322, county of Oakland, as a member representing the general public, succeeding herself, for a term expiring on December 31, 2006.

Mr. Rodger A. Kershner, 4 Lake Court, Grosse Pointe, Michigan 48230, county of Wayne, as a member representing the general public, succeeding Mr. James A. Mitchell of Grand Rapids, whose term has expired, for a term expiring on December 31, 2008.

Dr. Kathryn I. Clark, 1611 Harbed, Ann Arbor, Michigan 48015, county of Washtenaw, as a member representing the general public, succeeding Mr. Robert M. Thompson of Plymouth, whose term has expired, for a term expiring on December 31, 2004.

May 30, 2001

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Northern Michigan University Board of Control

Mr. Karl A. Weber, 174 Midway Drive, Negaunee, Michigan 49866, county of Marquette, as a member representing the general public, succeeding Dr. Robert O. Berube, II of Marquette, whose term has expired, for a term expiring on December 31, 2006.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senator Emmons moved that consideration of the following joint resolution and bill be postponed for today:

Senate Joint Resolution D

Senate Bill No. 283

The motion prevailed.

Senate Bill No. 230, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 236, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 237, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 238, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senators Garcia, Schwarz, Goschka and Van Regenmorter entered the Senate Chamber.

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. 133

Senate Bill No. 469

Senate Bill No. 470

House Bill No. 4253

House Bill No. 4254

House Bill No. 4258

Senate Bill No. 478

Senate Bill No. 479

Senate Bill No. 497

Senate Bill No. 498

Senate Bill No. 471

House Bill No. 4257

House Bill No. 4259

Senate Bill No. 371

The motion prevailed.

The following bill was read a third time:

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, 4, and 5 (MCL 28.211, 28.212, 28.213, 28.214, and 28.215), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 138

Yeas—32

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

Nays—0

Excused—5

Dunaskiss	Scott	Stille	Vaughn
Hoffman			

Not Voting—0

In The Chair: Miller

The Senate agreed to the title of the bill.

Senator Dunaskiss entered the Senate Chamber.

The following bill was read a third time:

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.

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. 139

Yeas—33

Bennett	Emmons	Koivisto	Schuetz
Bullard	Garcia	Leland	Schwarz
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema

DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Gougeon
Hammerstrom
Hart
Johnson

Miller
Murphy
North
Peters

Smith
Steil
Van Regenmorter
Young

Nays—0

Excused—4

Hoffman

Scott

Stille

Vaughn

Not Voting—0

In The Chair: Miller

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

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, and by adding section 58c.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

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.

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. 140

Yeas—33

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson

Koivisto
Leland
McCotter
McManus
Miller
Murphy
North
Peters

Schuetze
Schwarz
Shugars
Sikkema
Smith
Steil
Van Regenmorter
Young

Nays—0

Excused—4

Hoffman

Scott

Stille

Vaughn

Not Voting—0

In The Chair: Miller

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 141**Yeas—33**

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

Nays—0**Excused—4**

Hoffman	Scott	Stille	Vaughn
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Not Voting—0

In The Chair: Miller

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

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

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator DeBeaussaert's statement is as follows:

I just wanted you thank the Appropriations subcommittee chair for his work on this bill and to point out that there is an important point of difference, I think, between the House and Senate bill. There is a provision that was adopted

by the House that would have called for a study on the issue of part-time faculty and the impact it has on the educational process. I think it is a serious issue. I think it deserves some further discussion. It is a point of difference, and I hope that as we move forward to the conference committee, we can continue to work and resolve that issue.

The following bill was read a third time:

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.

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. 142

Yeas—33

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

Nays—0

Excused—4

Hoffman	Scott	Stille	Vaughn
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Not Voting—0

In The Chair: Miller

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

Senator Emmons moved that consideration of the following bill be postponed temporarily:

House Bill No. 4258

The motion prevailed.

The following bill was read a third time:

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.

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. 143**Yeas—33**

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

Nays—0**Excused—4**

Hoffman	Scott	Stille	Vaughn
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Not Voting—0

In The Chair: Miller

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 144**Yeas—33**

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

Nays—0

Excused—4

Hoffman

Scott

Stille

Vaughn

Not Voting—0

In The Chair: Miller

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 145

Yeas—33

Bennett

Emmons

Koivisto

Schuette

Bullard

Garcia

Leland

Schwarz

Byrum

Gast

McCotter

Shugars

Cherry

Goschka

McManus

Sikkema

DeBeaussaert

Gougeon

Miller

Smith

DeGrow

Hammerstrom

Murphy

Steil

Dingell

Hart

North

Van Regenmorter

Dunaskiss

Johnson

Peters

Young

Emerson

Nays—0

Excused—4

Hoffman

Scott

Stille

Vaughn

Not Voting—0

In The Chair: Miller

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 146

Yeas—33

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

Nays—0

Excused—4

Hoffman	Scott	Stille	Vaughn
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Not Voting—0

In The Chair: Miller

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 147

Yeas—33

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

Nays—0

Excused—4

Hoffman

Scott

Stille

Vaughn

Not Voting—0

In The Chair: Miller

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

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 permits for directional drilling in Great Lakes bottomlands.”.

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

The question being on the adoption of the amendment,

Senators Schuette and Sikkema offered the following amendment to the amendment:

1. Amend Senator Peters’ Amendment No. 1, page 27, line 1, after “bottomlands” by inserting “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) The department, in conjunction with the department of natural resources, shall prepare and deliver to the standing committees of the senate and the house of representatives with jurisdiction over issues primarily related to natural resources and the environment and the senate and house appropriations subcommittees on natural resources and environmental quality a report on specifically how subsection (1) has been complied with.”.

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

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 148

Yeas—18

Bennett	Garcia	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
DeGrow	Goschka	Schuette	Steil
Dunaskiss	Gougeon	Schwarz	Van Regenmorter
Emmons	Hammerstrom		

Nays—14

Byrum	Emerson	Miller	Peters
Cherry	Hart	Murphy	Smith
DeBeaussaert	Koivisto	North	Young
Dingell	Leland		

Excused—4

Hoffman

Scott

Stille

Vaughn

Not Voting—1

Johnson

In The Chair: Schwarz

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senators Schuette and Sikkema to House Bill No. 4257 and moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

I guess what strikes me as happening here is that the good Senator from the 35th District succeeded yesterday in amending this bill to put in place a set of criteria for permitting. When presented with the prospects of an amendment to put in place a moratorium or ban that the good Senator from the 35th District is kind of re-offering that amendment from yesterday in a way that effectively negates the Peters amendment.

Now I’m not a scientist and clearly not a geologist, so I wouldn’t pretend to have a strong expertise in this area. I guess when I read the Senator from the 35th District being quoted yesterday in the paper saying that “From my perspective, what we did today was put into place some of the most stringent and far-reaching protections on our Great Lakes shoreline,” as a layperson, I guess my first reaction is to say hooray for the Senator from the 35th District. Then I look today at a piece being circulated by the Michigan’s Environmental Council, who clearly I view as having greater expertise on this issue than I, and they view what the Senate did yesterday, and what was proclaimed that the Senate did yesterday, as a mischaracterization. They say that to state that the amendment encompasses the recommendation of the Michigan Environmental Science Board is inaccurate. On some issues they say the amendment clearly diverts from both the language and the spirit of the MESB’s findings. Instead of including those provisions in a budget bill that will only be binding for one year, the Legislature should address this issue in separate legislation.

MEC supports a moratorium on directional drilling until the legislation protecting our coastal area is passed. So as I begin to sort this out, it appears that what we did yesterday falls short, significantly short, of what is being talked about by this group of experts, the Michigan Environmental Science Board. Even though it’s represented as their work product, it clearly falls short of it. It’s been now inserted into an amendment to negate an amendment that would call for a moratorium, which would have the effect of what the Michigan Environmental Council is asking for—time to have good, sound legislation passed based on the recommendations of the Michigan Environmental Science Board.

Again, I’m not a scientist. I’m not an expert. I’m just a blue collar guy from an auto town. I can’t understand for the life of me why there’s a rush to put this very detailed language in a budget bill when there is a very simple way of putting in place a moratorium until there can be a complete statutory provision passed that is permanent. Again, I ask myself why? Why are we rushing here? I guess I come to a conclusion that there’s an absolute fear that we may do the right thing if we follow the recommendation of the Michigan Environmental Council—put in a moratorium until good, sound legislation can be passed based on the Michigan Environmental Science Board recommendations.

Now being just a blue collar person from an auto town, I would suggest that there is another reason why we ought to hold off and not go with that language from yesterday. The reason why we ought to vote against the Schuette amendment is that what I continually hear, and what your constituents continually hear, is the reason our gas prices are so high is there’s just not enough capacity, just not enough supply out there. What we have before us is an effort to allow directional drilling to continue and expand so that we can expand the supply. Well, I would think that if we wanted to serve our constituents well, what we would do is say there needs to be a moratorium not only for the purpose of making sure we have the recommendations of the Michigan Environmental Science Board correct, but we ought to have a moratorium to make sure that before we allow these oil companies to expand drilling, they give the citizens of the state a commitment that they’re going to lower gas prices.

Why are we in a rush to allow these oil companies to expand drilling in this state without a commitment, without a very basic commitment that these gasoline prices that we pay every day, that our constituents are paying every day? Why are we not allowing this process to slow down and get a very basic commitment that we need relief on gasoline prices? Those oil companies say it's all tagged on supply. You know this directional drilling is all about supply. There's a linkage here, and we ought not to be in a rush to let these profiteers off the hook. That's exactly what the amendment yesterday did. That's exactly what the Schuette amendment to the Peters amendment is attempting to do here, to let a bunch of price gougers off the hook. If they want to increase supply in this state by expanding their directional drilling, they need to give us a commitment that they're going to drop gasoline prices. Until they do, I'm voting against this Schuette amendment.

Senators Schuette, Sikkema, Hart, McManus and DeBeaussaert asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schuette's first statement is as follows:

I certainly would like to thank the Secretary the Senate for her linguistic ability and a job well done. Thank you, Carol.

Today, this effort on the floor of the Senate is an important one, and that's why I offered this amendment today, noting Section 2 is an entirely new provision requiring the Department of Environmental Quality in conjunction with the Department of Natural Resources to prepare and deliver an assessment and a compilation of their work product to the appropriate committees of the Senate and the House dealing with the environmental and natural resource matters. That was an important addition we included today. And this amendment says hands off the shorelands of the Great Lakes unless you've gone through a series of tough and stringent requirements before you even think about slant drilling under the Great Lakes of Michigan.

I appreciate the efforts of Senator Sikkema and Senator Stille on this and efforts of the Majority Leader in a group effort because what we're attempting to do today, and will with passage of this amendment and the following budget as well, is make sure that we have tough and stringent laws to protect the majesty of Michigan, our Great Lakes. This is an issue I have keen interest in and sometime ago introduced the Great Lakes Shoreline Protection Act, and the essence of that legislation is embodied in the amendments today with the exceptional help of Senators Stille and Sikkema.

What we're doing today with this amendment is protecting sensitive areas of Michigan—dunes and the lake shore—all of which really embody the heritage of our state. There's been this incredible responsibility that we wish to pass on to future and present citizens—protection and preservation of our rivers, lakes, and streams, and certainly, our Great Lakes. And what we've done today and yesterday as well is require that before you even think about attempting to get a permit, you'd have to be 1,500 feet back from the shoreline. But even then, it could be even farther away from the shoreline because we've put into place rules, codifying them actually, that indeed it prohibits any oil and gas exploration or any facilities or roads related to it if you're in an environmental area.

What's an environmental area? Well, an example would be areas that are important for habitat for preservation and maintenance of fish and wildlife. So there could be no exploration if even at this 1,500-foot setback it was in an environmental area. You'd have to go back further and away from it. Another example would be behind the setbacks of any bluffline, and those are complied by the department with aerial photography and studies on highly erosive areas that are fragile and important to the coastline and the ecosystem of our state. Thirdly, hands off any critical dunes. There are some 71,189 acres of sensitive areas that we've said hands off; no drilling allowed.

Also what we've done is put into place a county by county coastal inventory of mapping as to where you may and may not contemplate any drilling in the future if you could even meet the rigorous permit requirements. And that coastal zone mapping and an inventory of environmental assessments and the impact would now be into law statutorily. Plus we've included opportunities for public participation to hear and listen from interests of concerned citizens from across the state. These are tough and stringent requirements. It protects our shorelines, our lakes, coastlines, fragile areas, and highly erosive areas that are important to our state and the responsibility we have to our citizens of Michigan. I would urge adoption of this amendment.

Senator Schuette's second statement is as follows:

I appreciate the comments of Senator Sikkema and fully value his participation and team work that he and I have worked on this issue and other ones, for that matter, along with Senator Stille as well. I just want to comment on a couple of comments made by the distinguished gentleman from Flint, and I like people from auto towns, may I add. But first, we're here because this issue of slant drilling was raised in the committee. It was raised in the committee. It was raised in the House of Representatives as well. So that's how this issue came before the Senate. This was not plucked out from thin air.

Secondly, I appreciate the encouragement by the Michigan Environmental Council that they would like to have free-standing legislation on this subject, and the start of it—of getting free-standing legislation to protect and preserve the shorelines of the Great Lakes—is starting today. It continues with the legislation that I've introduced, and we're

moving towards that. I welcome the Michigan Environmental Council's participation as we move forward. Frankly, if you do read the memo, as Senator Sikkema pointed out, we have taken the essence of the Michigan Environmental Science Board and incorporated them in this amendment today for tough, stringent, technologically sound, and aggressive practices to protect our shorelines.

What really has no point here in this debate, and which I'm disappointed to hear, is the sheer demagoguery of trying to link directional drilling and high gas prices. The fact that we have high gas prices today and an undersupply is because of the absence of leadership of eight years by the Clinton administration which had no energy policy. Zero. That's why we're in the shape we're in today—more dependent today than we have been in the past on foreign oil because we've done nothing to develop in a technologically safe, environmentally correct way new capacity, new supplies. We haven't done it in the past. Now there's a new day, and we're trying to do that.

I also think everyone has to realize that in terms of royalties that we receive in the state of Michigan on directional slant drilling, they help us buy sensitive areas. It helps the environmental trust fund that the Michigan United Conservation Club and others feel so strongly about so we can help buy sensitive areas. That's an important issue here as well.

I urge adoption of the Schuette amendment.

Senator Sikkema's statement is as follows:

I rise to support the Schuette amendment. I will answer the previous speaker's questions directly. The reason we're doing this today is because it's the right thing to do. I will also say that the Michigan Environmental Council memo that's been distributed, which basically insinuates that this departs from the recommendations of the Michigan Environmental Science Board, is wrong. It might help before you take someone's word that you check the facts.

The Michigan Environmental Science Board made 17 recommendations. There are two recommendations that they, in my office yesterday, said should be changed. They were changed in the amendment, and I will tell you exactly what they are. One of their recommendations is that an environmental impact statement be prepared prior to leasing Great Lakes bottomland versus prior to issuing a drilling permit. The environmental impact statement should be made prior to issuing a drilling permit because that's when you can assess the impact. They told me yesterday that is one change that should be made. The second change is that in their report they're talking about and calling for a coastal zone inventory of land uses. The implication in their report is it should be done statewide of our entire coast, Lower Peninsula, and Upper Peninsula, and it would be far better to focus it on the county in question before they lease Great Lakes bottomlands off of that county. That's the only other change. But the implication in this document that there is significant departure from the findings and recommendations of Michigan Environmental Science Board is wrong.

Let me get to the real issue here, Mr. President. In my judgment, what we are witnessing today from the other side of the aisle is a very sorry, sorry spectacle of deception and deceit. I can only surmise that the other side has been in the minority so long, both in this body and its absence from the Governor's office, they're willing to do anything—anything—to seize political advantage. In this case, the anything is ignoring the facts, ignoring the truth, ignoring reality, and ignoring good policy and sound science for what they perceive as some temporary political advantage.

I can only say how sorry I am that the other side has fallen so far from the days when Tom Anderson, a Democrat from Southgate, chaired the House Conservation Committee. And they've fallen so far from the time when John Hertel, another Democrat, chaired the Senate environmental committee. I remember working with those individuals on a wide range of environmental policy. Tom Anderson, for an example, championed the passage of the Michigan wetlands law, one of only two states in the country that has one. John Hertel, as chairman of the Senate environmental committee, stood shoulder-to-shoulder with the environmental committee on issue after issue—sometimes fighting his own party. But one thing they taught me again and again—they pounded it into my subconscious—was “tell the truth.” If you stick to the truth, if you stick to the facts, if you stick to good, sound environmental policy and not mislead people—you're still going to have opposition because for some people it's not in their interest to follow the truth—9 times out of 10, you will prevail.

What's sad today about this issue is how far the other side has fallen from that standard. They know full well what this is all about. They know that the Great Lakes are something that everybody in Michigan holds very dear to their hearts and that nobody wants to subject it to potential harm or risk. What you're doing and what you continue to do is to create an image in people's minds that is simply not real—that somehow directional drilling is putting the Great Lakes at risk.

The Senator from the 14th District used the phrase, and I quote, “If we directionally drill into bottomhole targets of the Great Lakes, we are putting the Great Lakes at the potential of catastrophic contamination.” That's absolutely false. That's absolutely false. Now I know that I've been counseled that you've got a better spin on this issue than the truth and that the better spin will win out at least temporarily. I don't agree with that. I think if you're honest with people, you stick to the facts, and you stick to good policy, in the long-term you will prevail. I believe, as I've been taught by Tom Anderson and John Hertel, that good policy will make for good politics.

You talk about risk to the Great Lakes from oil and gas. What about the tankers that are plying the Great Lakes at this very hour, hauling hydrocarbons and chemicals to port after port? What about the pipelines under the Great Lakes—one pipeline under the Straits of Mackinac, 22,000 barrels of oil an hour? And you don't address that.

The fact of the matter is the Schuette amendment puts into the budget strong, vigorous, real protections to Michigan's shorelines. I have to stand today to again call you to task, and I mean the other side of the aisle. Your attempts to mislead the public on this issue for short-term political gain are shameful, and they're inexcusable.

Senator Hart's statement is as follows:

In speaking against this amendment, I want to remind this body that when the pipeline burst last year in Jackson, some 750,000 gallons of oil and gas went down the drain. You know what? It's amazing that today we ask for additional drilling of the Great Lakes so that there's an availability out there. What good does that do if you're not going to reduce the price of gasoline in this state? I take issue with what the Senator from the 35th District said: "Blame it on the Clinton administration." Let me tell you, Senator from the 35th District, we asked Governor Engler last year to repeal the tax at a time when Michigan residents needed assistance. Did we get it? Absolutely not.

Senator McManus' statement is as follows

"California, here I come, right back where I started from." Don't build any power plants. Don't do any drilling. Don't put any water dams in for irrigation. Then squeal like a stuck hog when your lights go out. You haven't got the price of gas less than two dollars a gallon, and you haven't got any water to drink. That's what we're arguing about here today.

I rise to support this amendment. Now a statement was made by the Senator from the 14th District that this income does not benefit any Michigan citizens. Baloney! The money from oil and gas revenues of this state go into the Natural Resources Trust Fund which is used to buy scenic properties, unique properties, farmland preservation, and so on. We've spent \$416 million on that, benefitting every citizen in the state of Michigan. It comes out of oil and gas revenues. This last year alone, \$38 million, and that is increasing. But we have requests for far more than we have been able to fill. That money, our farmland preservation and our unique properties preservation, comes from oil and gas revenues. We made that deal 30 years ago. For anyone to say that it doesn't benefit citizens of the state of Michigan, baloney.

In fact, you should all check your district and see how many projects that you've got in your district that came from oil and gas money. For any Senator who does not support drilling for oil and gas, don't ask for any more projects out of the Natural Resources Trust Fund. That would be hypocritical.

Michigan is an outstanding state in the Union in terms of how we handle our oil and gas monies and what we use them for in terms of preservation. That is a major part of this issue, and it benefits every citizen in the state of Michigan.

I support the amendment. I want to thank Senators Sikkema, Schuette, and Stille for putting it together.

Senator DeBeaussaert's statement is as follows:

I rise to oppose the amendment to the amendment.

I was the one who offered the amendment to the budget bill in the committee that got the approval of that subcommittee in the first place, and I did so because I thought it was important to keep in place a moratorium to allow a thoughtful process to occur and to allow the public to be a part of that process. I thought it was an appropriate part of a budget bill to have that type of protection in place for the coming year.

I heard earlier some remarks about some previous legislators who served and were instrumental in establishing significant environmental protection policy in this state. They did work hard, and they did include the public. They did it in statute, and they didn't, as I recall, try to put specific permitting language of this kind into appropriation bills. They certainly didn't do it on the Senate floor, and they certainly didn't do it without allowing the kind of public opportunity on one of the most important issues, and everyone agreed it is one of the most important resources we have—the Great Lakes. So I think it's a mistake to be putting this language in here.

I understand why we see these parliamentary maneuvers to avoid the up or down vote on the question of a moratorium versus regulation. The amendment to the amendment tries to get away from a clean vote. But the fact remains that we have not had the kind of public opportunity to review whether, in fact, these regulations are the same as the recommendations of the Environmental Science Board. We have a working group that's continuing to work through the DNR on this issue, and we've kind of preempted or precluded their discussions in terms of putting this kind of regulatory scheme in place, basically saying the group can go forward, but we, in effect, have already given approval if we adopt this amendment. I think that's a mistake. I think having a moratorium in place for which the original Peters amendment would allow gives us the opportunity for that more thoughtful discussion.

Let me say that I do want to point out that I appreciate at least one of the Senators involved. The Senator from the 35th District has had legislation. It's important legislation that deserves some scrutiny in the committee. I don't fault him for offering some specific language here because he has offered language before and hasn't had it taken up in the committee.

But this is a mistake, I think, at this point to not allow the public scrutiny on some specific regulatory language. Let's keep the moratorium language in place and allow the legislative process and the public to be a part of it.

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

Senator Smith offered the following amendments:

1. Amend page 17, line 12, after "Volunteer" by inserting "lake,".
2. Amend page 17, line 12, by striking out "50,000" and inserting "95,000".
3. Amend page 18, line 5, by striking out "18,638,600" and inserting "18,683,600" and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Smith offered the following amendment:

1. Amend page 27, line 3, by striking out all of section 224 and inserting:

"Sec. 224. With funds appropriated in part 1, the department shall prepare a report for environmental enforcement programs including air and water emissions of pollutants, waste treatment storage and disposal, waste transportation, and land and water management for the fiscal year 2000-2001. This report shall include the following data for each program: the number of permit holders and facilities, the number of permit applications received and granted, the number of received complaints, the number of on-site inspections, the number of inspections that discovered noncompliance with environmental protection laws and the nature of the violations discovered, and the number of conducted criminal investigations. This report shall be submitted to the senate and house appropriations subcommittees on environmental quality before November 30, 2001, and an updated report on September 30, 2002."

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

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 149

Yeas—15

Byrum	Emerson	Koivisto	Peters
Cherry	Goschka	Leland	Smith
DeBeaussaert	Hammerstrom	Miller	Young
Dingell	Hart	Murphy	

Nays—18

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

Excused—4

Hoffman	Scott	Stille	Vaughn
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Not Voting—0

In The Chair: Schwarz

The question being on the passage of the bill,

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

Roll Call No. 150**Yeas—20**

Bennett	Garcia	Johnson	Schwarz
Bullard	Gast	McCotter	Shugars
DeGrow	Goschka	McManus	Sikkema
Dunaskiss	Gougeon	North	Steil
Emmons	Hammerstrom	Schuetter	Van Regenmorter

Nays—13

Byrum	Emerson	Leland	Peters
Cherry	Hart	Miller	Smith
DeBeaussaert	Koivisto	Murphy	Young
Dingell			

Excused—4

Hoffman	Scott	Stille	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Assistant Associate President pro tempore, Senator Miller, resumed the Chair.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. Senator McCotter requested the yeas and nays.

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

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

Roll Call No. 151**Yeas—23**

Bennett	Emmons	Johnson	Shugars
Bullard	Garcia	McCotter	Sikkema
Cherry	Gast	McManus	Steil
DeGrow	Goschka	North	Van Regenmorter
Dunaskiss	Gougeon	Schuetter	Young
Emerson	Hammerstrom	Schwarz	

Nays—9

DeBeaussaert	Koivisto	Miller	Peters
Dingell	Leland	Murphy	Smith
Hart			

Excused—4

Hoffman

Scott

Stille

Vaughn

Not Voting—1

Byrum

In The Chair: Miller

The Senate agreed to the title of the bill.

Protests

Senators Peters, Cherry and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4257 and moved that the statements they made during the discussion of the bill and the amendment offered by Senators Schuette and Sikkema be printed as their reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement is as follows:

I rise to join the previous speaker in my opposition to this bill. I urge a “no” vote from my colleagues. I, too, cannot support the provision that was put into this appropriations bill that will allow the permitting and leasing of bottomlands in the Great Lakes for oil and gas exploration.

I believe today is indeed a very sad day in the Michigan Legislature when we are using a Department of Environmental Quality budget to put at risk the greatest resource that we have here in the state of Michigan. I am particularly troubled by the process that was used—the use of an appropriations bill to put in significant legislation regarding a permitting process. This process went forward with the normal committee process, without going through a policy committee like the environmental policy committee, on which I serve. What we have before us now is a permitting process that is not enough protection for our Great Lakes.

There are serious flaws in the regulatory scheme as outlined in this boilerplate language—serious flaws which I outlined in earlier comments. I would like to remind everybody that drilling under and around the Great Lakes will not have any impact on what we pay at the gas pumps here in Michigan. There is simply not enough oil under the Great Lakes to have an impact on what we pay at the gas pumps. There is also not enough natural gas underneath the Great Lakes to have an impact on what we pay to heat our homes.

Now I know some oil companies are going to make an awful lot of money as a result of this. This is a profit item for those few companies that are going to get those leases. I know the lobbyists out in the hallway right now are gloating over this victory in the oil and gas executive, knowing that they are going to fatten those already fat profits as a result of this. But this is indeed a sad day for the people of the state of Michigan to use a Department of Environmental Quality budget to put at risk our most value resource we have in this state, our Great Lakes. They are not only our great aesthetic resource, a resource for recreation, and a resource for tourism, but also a source of drinking water for millions of our residents.

I would strongly urge a “no” vote on this bill.

Senator Cherry’s statement is as follows:

I rise to urge a “no” vote on House Bill No. 4257. Although I think the chairman of the subcommittee and the members have done a fairly good job of putting this budget bill together, amendments here on the floor, in particular that dealt with eliminating the committee language that put in place a moratorium on slant drilling, altered that by putting in place a number of requirements that would be necessary to be met for permitting. When that occurred, I think it put me in a position where I felt I needed to vote “no” because, ultimately, it seemed to me that the moratorium put forward by the committee was a sound approach in that it allowed a cease fire on this slant drilling until the Michigan Environment Science Board and the work group had a full opportunity to look at what was transpiring and to make recommendations that would allow this to proceed if appropriate provisions were put in place.

While I suspect a number of criteria that were submitted in this budget bill are important, the list is not complete. It falls short. I think in that respect it makes the language defective. This is an important issue. Clearly, the Great Lakes are an important resource. This is something you proceed with cautiously when considering things like slant drilling, and on that basis, I intend to vote “no” and would hope that as the process unfolds, we go back to the original committee position of having a moratorium until these recommendations are made and considered and acted upon. I urge a “no” vote.

Senator Smith’s first statement is as follows:

I rise to oppose the Schuette amendment. We’re dealing with a one-year budget bill, and many provisions that are offered in the Schuette amendment will certainly exceed the one-year life of the budget bill. And we’ll be back looking at this all over again. The argument that the issue was raised in the committee really doesn’t hold water because the issue that was raised was a moratorium, which says that for one year nothing will happen until the operation of the committees, the standing committees that work on these issues, have a chance to deal with legislation. The lessons that Senator Sikkema learned from Tom Anderson and Senator Hertel were that he had a chance to participate in a process where discussion and debate were allowed to take place with the public, interested citizen action groups, and advocacy groups involved, and the principals that were dealing with the oil and sand dunes—whatever the legislation happened to be at the time—had a chance to participate in the discussion. Well, that isn’t happening today.

This amendment will go on the floor, a critical, serious, detailed amendment that says go ahead and lease; go ahead and permit because we can do it on the floor. The proper place for this kind of action is in a committee where all of the principals have a chance to sit down and be a part of the discussion; be a part of the rule-setting.

Now you talk about truth and how you deal with truth and the public. Well, I’ve learned some real interesting science in the course of the subcommittee debate and the floor debate. The first thing I learned was that natural gas is a renewable resource. Well, you know, I never knew that natural gas was a renewable resource. I was told from day one that it was an exhaustible fossil-fuel resource. Then the next scientific fact we learned was yesterday on the floor when the Senator from the 31st District suggested that there was no way gas or oil could escape the bottomlands of the Great Lakes because of the hard rock—impermeable hard rock substrata—that would protect the waters of the Great Lakes. Well, let me tell you about that precise guaranteed science, and how it worked in my district with 1,4-dioxane. The committees were guaranteed that because of the hard rock strata, 1,4-dioxane would never cross aquifers and leak into other well systems in the county. Well, hard guaranteed science failed. 1,4-dioxane contaminate the well systems in much of Scio Township.

Then let’s talk about truth and hard science. We’re not drilling in the Great Lakes because we start drilling on the shoreline and slant into the Great Lakes. If the reservoir is in the Great Lakes, and it’s being extracted from the Great Lakes, I don’t care how we get there, we’re drilling in the Great Lakes. Now that’s truth!

Again, we’re dealing with a one-year budget bill, and the moratorium is appropriate because it says let’s not do anything, which supports the position, I understand, of the department. Let’s not do anything for a year. Let’s get legislation in place that deals with this issue. Let’s have a full-blown discussion, and let’s let the participants have a part in the final decisions of what happens in the Great Lakes.

So, you know, I think the moratorium is appropriate in the legislation because it’s a one-year hiatus for the process to go forward in the standing committees. I urge rejection of the amendment.

Senator Smith’s second statement is as follows:

I would also like to add that what we are doing here today is essentially deferring a problem of how we meet energy needs to 30 years down the road to our children and to our grandchildren. We need to be looking at alternative energy sources that are renewable that will be there in the future. We need to be using our time, our energy, and our dollars to look forward for the children and not rely on something that is here today and definitely gone tomorrow.

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

The motion prevailed.

Senator Sikkema’s statement is as follows:

The statement made by the Senator from the 14th District that directional drilling represents a threat to the Great Lakes is so far from reality, truth, common sense, and sound policy that it constitutes nothing but unadulterated poppycock.

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

The following bill was read a third time:

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.

The question being on the passage of the bill,
Senator Peters offered the following amendment:

1. Amend page 31, following line 8, section 1006, after the first "Great Lakes" by inserting a period and striking out the balance of the section.

The question being on the adoption of the amendment,

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

The motion prevailed.

The Assistant Associate President pro tempore, Senator Miller, resumed the Chair.

By unanimous consent the Senate returned to consideration of 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.

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. 152

Yeas—32

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

Nays—1

Shugars

Excused—4

Hoffman	Scott	Stille	Vaughn
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Not Voting—0

In The Chair: Miller

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.

Protest

Senator Shugars, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4258.

Senator Shugars' statement is as follows:

I voted "no" on the higher education budget. I want to give a little background first that Western Michigan University in Kalamazoo has received many national academic accolades in recent years, and the state funding per student has been stagnant. For two straight years, Western Michigan University has been listed by the *U.S. News and World Report* as one of the top 100 national universities in the country, along with the University of Michigan, Michigan State University, Wayne State University, and Michigan Tech University.

Additionally, the Carnegie Foundation for the Advancement of Learning, the undisputed national standard for rating higher education institutions in this country, has placed Western Michigan University as the highest and most prestigious classification doctoral research extensive. Only four universities in Michigan hold this honor: University of Michigan, Wayne State University, Western Michigan University, and Michigan State University.

Clearly, the families in Michigan have recognized the quality of education at Western Michigan University because it's one of the top 45 universities in the nation of overall size. In fact, in the last three years, Western's enrollment has grown by 2,749 students; a close second to Grand Valley State University with a growth of 3,019. However, with all this national recognition and enrollment growth, it has been ignored by this state funding process. In the last two years, the per student funding at Western Michigan University has grown a measly \$47.00 per student, the third lowest among Michigan's 15 institutions. To make things even worse, if this budget is enacted, Western would fall to the dead last.

Is Western Michigan University overfunded? Absolutely not! Despite the fact that Western is now the third largest institution in Michigan based on the fiscal year student counts; despite the fact that Western Michigan University educates the second most Michigan resident undergraduates; despite the fact that Western Michigan University is in the top four in national ratings in the state; despite the fact that Western Michigan University conducts the fourth highest amount of research—despite all of these things, where does Western Michigan fall in student funding among Michigan's 15 institutions? Seventh out of 15. And if this budget is enacted, it would fall to the eighth out of 15 next year. So while Western Michigan continues to grow in student count and academic reputation, they continue to loose ground in state funding.

The House budget made an effort to help by recommending a 7 percent increase to Western Michigan University. I am absolutely puzzled to see why Western Michigan University is now being punished in the Senate bill, despite the spending of more money in an overall budget in the House bill. Western is one of two universities reduced in the Senate bill, and that's a significant deduction—over \$2.5 million. In fact, if the Senate version is enacted, Western Michigan would be the only university to end this legislative process with less per student than last year's funding.

I cannot support this budget because it continues a negative trend, and I respectfully request that the conferees make every effort to correct this problem. If Western doesn't get this satisfied, it's projected that they will have a 17 percent increase in tuition. I obviously cannot support that.

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

By unanimous consent the Senate returned to consideration of 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.

(This bill was read a third time earlier today, amendment offered, and consideration postponed. See p. 629.)

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

Senators Schuette and Sikkema offered the following amendments to the amendment:

1. Amend Senator Peters' Amendment No. 1, page 31, following line 8, section 1006, after "by" by striking out "inserting a period and"

2. Amend Senator Peters' Amendment No. 1, page 31, following line 8, section 1006, after "section" by inserting "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 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.

(2) The department, in conjunction with the department of natural resources, shall prepare and deliver to the standing committees of the senate and the house of representatives with jurisdiction over issues primarily related to natural resources and the environment and the senate and house appropriations subcommittees on natural resources and environmental quality a report on specifically how subsection (1) has been complied with.””

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

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 153

Yeas—18

Bennett	Garcia	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
DeGrow	Goschka	Schuette	Steil
Dunaskiss	Gougeon	Schwarz	Van Regenmorter
Emmons	Hammerstrom		

Nays—14

Byrum	Emerson	Miller	Peters
Cherry	Hart	Murphy	Smith

DeBeussaert
DingellKoivisto
Leland

North

Young

Excused—4

Hoffman

Scott

Stille

Vaughn

Not Voting—1

Johnson

In The Chair: Schwarz

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

The question being on the passage of the bill,

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

Roll Call No. 154**Yeas—20**Bennett
Bullard
DeGrow
Dunaskiss
EmmonsGarcia
Gast
Goschka
Gougeon
HammerstromJohnson
McCotter
McManus
North
SchuetteSchwarz
Shugars
Sikkema
Steil
Van Regenmorter**Nays—13**Byrum
Cherry
DeBeussaert
DingellEmerson
Hart
KoivistoLeland
Miller
MurphyPeters
Smith
Young**Excused—4**

Hoffman

Scott

Stille

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Emmons requested the yeas and nays.

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

Roll Call No. 155

Yeas—23

Bennett	Emmons	Johnson	Shugars
Bullard	Garcia	McCotter	Sikkema
Cherry	Gast	McManus	Steil
DeGrow	Goschka	North	Van Regenmorter
Dunaskiss	Gougeon	Schuette	Young
Emerson	Hammerstrom	Schwarz	

Nays—10

Byrum	Hart	Miller	Peters
DeBeaussaert	Koivisto	Murphy	Smith
Dingell	Leland		

Excused—4

Hoffman	Scott	Stille	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Schuette's statement is as follows:

This amendment I offer to the Peters amendment is very similar, almost identical, to our previous discussion on House Bill No. 4257, the other appropriations bill. This is under the leadership of Senator McManus and the Department of Natural Resources. What we are doing here, like we did in the Department of Environmental Quality budget, is say hands off the coastline, hands off the Great Lakes on slant drilling, unless you're able to meet some of the most rigorous, tough, stringent environmental and technological steps that you must implement before you could engage in slant drilling on any leases that might occur under the Great Lakes.

We've incorporated the Environmental Science Board recommendations—the essence of them—and the essence and heart of the legislation I introduced in the past—the Great Lakes Shoreline Protection Act. What we've said is that those ecologically sensitive areas of our state—the dunes, the highly erosive areas, and the environmental areas—are so important to the habitat of fish and wildlife. But even beyond the 1,500 feet, you would have to go well beyond that because those areas are off limits. Those treasures of our state—the dunes, the bluffs, the highly erosive areas and eco systems—hands off. No drilling whatsoever. That sign is loud and clear. The point is in order to do any drilling, you would have to be well past the 1,500 feet minimum and then go down 4,000 feet before anything could occur. That's the process we put in based on the recommendations of the Environmental Science Board on implementing many of the rules and the regulations that are in place today. I would ask for adoption of the Schuette amendment.

Senator McManus' statement is as follows:

I rise to support the amendment. I won't bore your ears with any singing at this point. But I did comment on this amendment previously, and I refer to the Natural Resources Trust Fund.

We keep forgetting about the Natural Resources Trust Fund, which is a major part of this issue. The money from oil and gas under state lands of this state goes to all of the citizens of this state, through the natural resources fund for the purchase of scenic properties, sensitive properties, farmland protection, and so on. But I did get a hold of a copy of where the money has gone, county by county, from the trust fund, and lo and behold, the county that gets the most money is Oakland County. They've got \$29 million—higher than any county in the state out of that fund. Wayne County, \$25 million, they're number 2; Washtenaw County, \$10.5 million. Then I look at poor little Kalkaska up there, which has had all of the fracas from oil drilling over the years, they're at \$1.7 million; Otsego, which is involved, \$2.5 million; Alpena, \$861,000; Montmorency, \$733,000; and so on. It's kind of interesting that we have people talking here who want to take it out of the pot, but they don't want to do anything about putting some in.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 431, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 115 (MCL 500.115), as added by 1992 PA 182, and by adding chapter 5.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1956 PA 218, entitled "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," by amending section 115 (MCL 500.115), as added by 1992 PA 182, and by adding section 2013 and chapter 5.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

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

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

Roll Call No. 156

Yeas—32

Bennett
Bullard

Emerson
Emmons

Johnson
Koivisto

Peters
Schuette

Byrum	Garcia	Leland	Schwarz
Cherry	Gast	McCotter	Shugars
DeBeaussaert	Goschka	McManus	Sikkema
DeGrow	Gougeon	Miller	Smith
Dingell	Hammerstrom	Murphy	Steil
Dunaskiss	Hart	North	Young

Nays—1

Van Regenmorter

Excused—4

Hoffman	Scott	Stille	Vaughn
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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 as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Emmons moved that consideration of the following concurrent resolution be postponed for today:
Senate Concurrent Resolution No. 11
The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:
Senate Resolution No. 72
The resolution consent calendar was adopted.

Senators Hammerstrom, North, Stille, Bullard and Goschka offered the following resolution:
Senate Resolution No. 72.

A resolution recognizing May 31, 2001, as World No Tobacco Day.

Whereas, World No Tobacco Day is sponsored by the World Health Organization to call worldwide attention to the impact of tobacco use on the public health and has been observed annually since 1988 throughout the world; and

Whereas, The mission of The Coalition for World No Tobacco Day is to direct “attention to the human and economic tolls of the global tobacco epidemic and improve public health by encouraging people not to use tobacco and motivating users to quit”; and

Whereas, The World Health Organization estimates that there are about 1.1 billion smokers in the world, about one-third of the global population aged 15 years and older; and

Whereas, More than one million youth in America become regular smokers each year, with 12.8 percent of middle school students and 34.8 percent of high school students currently using some form of tobacco; and

Whereas, Short-term health risks of tobacco use include shortness of breath, increased heart rate, exacerbation of asthma, impotence, infertility, and increased blood levels of carbon monoxide. Long-term health risks caused by tobacco use include heart attack, stroke, cancer, and chronic obstructive pulmonary disease; and

Whereas, As a result of the 2000 World Tobacco Day, awareness of this effort increased by 25 percent among the total population and 70 percent among tobacco users. Seventeen percent of those aware of World No Tobacco Day were moved to action by encouraging someone to quit tobacco use, quit smoking, or otherwise reduce tobacco use; and

Whereas, The World Health Organization declared second-hand smoke the focal point for 2001 World No Tobacco Day; and

Whereas, Second-hand smoke is an established cause of lung cancer in nonsmokers, and exposure to second-hand smoke in the home is a significant cause of respiratory ailments in children and Sudden Infant Death Syndrome; and

Whereas, As recently as 1991, over 90 percent of the U.S. population, regardless of smoking status, had measurable amounts of a byproduct of cigarette smoke in their bodies—indicating the exposure to second-hand smoke was massive; and

Whereas, The best way to reduce nonsmoker exposure to second-hand smoke in either public or private places is to support comprehensive tobacco control programs that reduce youth initiation and promote cessation of smoking among all ages; now, therefore, be it

Resolved by the Senate, That this legislative body recognizes May 31, 2001, as World No Tobacco Day. We encourage all of Michigan's citizens to participate by not starting to smoke, attempting to stop smoking, and encouraging others to do the same; and be it further

Resolved, That a copy of this resolution be transmitted to the World Health Organization as a symbol of our support for this worthwhile endeavor.

Senator Young was named co-sponsors of the resolution.

Senators Smith, Cherry, DeBeaussaert, Peters, Koivisto, Murphy, Dingell, Young, Scott and Leland offered the following resolution:

Senate Resolution No. 73.

A resolution to memorialize the Congress of the United States to reauthorize the Community Oriented Policing Services (COPS) Universal Hiring Program.

Whereas, In 1994, Congress passed the first COPS program, providing funding for more than 110,000 new police officers across the nation. Michigan law enforcement agencies hired 3,436 new officers with COPS funding assistance; and

Whereas, According to 1998 FBI reports, crime has declined nationwide each year since the inception of the COPS program, and Michigan crime rates have dropped by 21 percent; and

Whereas, Legislation introduced in Congress would extend the current program to provide \$600 million to hire 50,000 new police officers across the country, \$350 million for crime technology improvements, \$200 million for grants to local prosecuting agencies, and \$125 million for juvenile crime prevention and community education programs. The legislation also provides grants to retain officers hired under the COPS program; and

Whereas, The COPS program encourages community policing in an effort to rebuild the bond between law enforcement and citizens. The reauthorization of the Community Oriented Policing Services program is supported by many law enforcement agencies because of the wide range of grant programs offered and the positive effects these programs have had on local communities; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to reauthorize the Community Oriented Policing Services Universal Hiring Program so that citizens across this great state may benefit from the many services provided under this program; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senate Concurrent Resolution No. 23.

A concurrent resolution prescribing the Joint Rules of the Senate and House of Representatives.

(For text of resolution, see Senate Journal No. 47, p. 566.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Smith, Peters, Young, Hammerstrom, DeBeaussaert, Scott, Hart, Dingell, Koivisto, Gougeon, McCotter and Goschka introduced

Senate Bill No. 520, entitled

A bill to require textbook publishers to provide electronic versions of certain instructional materials used in colleges and universities.

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

Senators Goschka, Hammerstrom and Bullard introduced

Senate Bill No. 521, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

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

House Bill No. 4610, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending sections 2 and 6 (MCL 28.172 and 28.176), section 2 as amended by 1996 PA 508 and section 6 as amended by 2000 PA 30, and by adding section 3a.

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. 4611, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIIA (MCL 712A.18k), as amended by 1998 PA 478.

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. 4612, 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 33d (MCL 791.233d), as amended by 1996 PA 509.

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. 4613, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 1996 PA 510.

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. 4614, entitled

A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending section 5a (MCL 803.225a), as amended by 1998 PA 521.

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. 4789, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1999 PA 68.

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 Appropriations.

Committee Reports

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4505, entitled

A bill to amend 1998 PA 57, entitled "An act to require contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for the modification of contracts for improvement to real property; to provide for remedies; and to repeal acts and parts of acts," by repealing section 6 (MCL 125.1596).

With the recommendation that the bill pass.

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

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4708, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78o (MCL 211.78o), as added by 1999 PA 123.

With the recommendation that the bill pass.

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

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4709, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78f (MCL 211.78f), as added by 1999 PA 123.

With the recommendation that the bill pass.

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

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4712, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 124 (MCL 211.124); and to repeal acts and parts of acts.

With the recommendation that the bill pass.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4713, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 59 (MCL 211.59), as amended by 1999 PA 123.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4714, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78k (MCL 211.78k), as added by 1999 PA 123.

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

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4715, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 106 (MCL 211.106).

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4716, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as added by 1999 PA 123.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4717, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 60 (MCL 211.60), as amended by 1999 PA 123.

With the recommendation that the bill pass.

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

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4718, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78i (MCL 211.78i), as added by 1999 PA 123.

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 Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Tuesday, May 29, 2001, at 1:37 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter, Steil, Leland and Peters

The Committee on Government Operations reported

Senate Bill No. 181, entitled

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use," by amending section 3 (MCL 2.23).

With the recommendation that the bill pass.

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

Thaddeus G. McCotter

Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Wednesday, May 30, 2001, at 9:35 a.m., Room 110, Farnum Building

Present: Senators McCotter (C), Hammerstrom, Sikkema and Miller

Excused: Senator Byrum

The Committee on Education reported
Senate Bill No. 473, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 373, 502, 506, 507, and 1280 (MCL 380.373, 380.502, 380.506, 380.507, and 380.1280), section 373 as amended by 2000 PA 230, sections 502 and 507 as amended by 1995 PA 289, section 506 as added by 1993 PA 362, and section 1280 as amended by 1997 PA 180, and by adding sections 506a and 1206 and part 15a.

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.

Loren Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson and Stille
Nays: None

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

The Committee on Education reported
Senate Bill No. 474, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.
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.

Loren Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland
Nays: None

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

The Committee on Education reported
Senate Bill No. 475, entitled

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

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

Loren Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland
Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported
Senate Bill No. 476, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 641, 1198, and 1206a.

With the recommendation that the bill pass.

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

Loren Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland
Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported
House Bill No. 4429, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1201 (MCL 380.1201).
With the recommendation that the bill pass.

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

Loren Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4630, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294.

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.

Loren Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille, Peters and Leland

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, May 30, 2001, at 8:00 a.m., Room 810, Farnum Building

Present: Senators Bennett (C), Johnson, Stille, Peters and Leland

Scheduled Meetings

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

Subcommittee -

Capital Outlay, Joint - Wednesday, June 6, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Natural Resources and Environmental Affairs - Tuesday, June 5, 1:00 p.m., 8th Floor Conference Room, Farnum Building (373-0797)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 12:36 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, June 5, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

