

No. 57
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, June 26, 1997.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present
Berryman—excused
Bouchard—present
Bullard—present
Byrum—present
Carl—present
Cherry—present
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present

Emmons—excused
Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

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

Senator Joel D. Gougeon of the 34th District offered the following invocation:

Our Heavenly Father, summer has arrived, and with it the desire to go out and play. But let us keep in mind—our minds focused on the work at hand. Let us deliberate the facts that come before us and find the compassion of our hearts be moved to do the best possible job for the people we serve. Let us work together as one voice for the betterment of all who look to us for answers. Help us to remain humble that we might hear and abide by Your will and not our own.

Lord, be with us this day. Amen.

Motions and Communications

Senators Miller and Dunaskiss entered the Senate Chamber.

Senator DeGrow moved that Senators Posthumus and Schwarz be temporarily excused from today's session. The motion prevailed.

Senator DeGrow moved that Senators Emmons and Stille be excused from today's session. The motion prevailed.

Senator V. Smith moved that Senator Berryman be excused from today's session. The motion prevailed. Senator Berryman is ill with bronchitis.

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

The motion prevailed.

Senator Hoffman's statement is as follows:

I'd like to introduce to my colleagues my youngest son, P.J. He's here today. P.J. doesn't get a chance to come up here very often because of school. P.J. just completed the seventh grade, and while that may not be eventful for a lot of people, it is for him because he completed the year with all "A's" and he never missed a day of school. He hasn't missed a day of school—he never missed a day—kindergarten right through seventh grade. P.J. would rather be in school than up here helping us and he couldn't get up here until school was officially out. School is out, he's up here and I'd ask my colleagues to welcome him.

The Secretary announced that the Majority Leader has made the appointment of the following conference committee: **Senate Bill No. 170** - Senators DeGrow, Steil and A. Smith.

The conference committee appointment was approved, a majority of the members serving voting therefor.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 25: **House Bill Nos. 4045 4046 4047 4049 4181 4775 4799 4811 4814 4840 4857**

Messages from the Governor

The following messages from the Governor were received and read:

June 25, 1997

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

International Bridge Authority

Mr. Donald P. Gustafson, 230 Chambers, St. Ignace, Michigan 49781, county of Mackinac, as a member representing Republicans, succeeding himself, for a term expiring on June 30, 2001.

June 25, 1997

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

Michigan Board of Pharmacy

Mr. Thomas F. Gahan, 7224 Peachtree Court, Canton, Michigan 48187, county of Wayne, as a member representing professionals, succeeding himself, for a term expiring on June 25, 2001.

Mrs. Gretchen Pretty, 1030 Wilshire Boulevard, Kalamazoo, Michigan 49008, county of Kalamazoo, as a member representing the general public, succeeding herself, for a term expiring on June 30, 2001.

June 25, 1997

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

Mobile Home Commission

Mr. Douglas John Altschwager, P.O. Box 363, Belmont, Michigan 49306, county of Kent, as a member representing park operators with 100 sites or more, succeeding himself, for a term expiring on May 9, 2000.

Mr. Michael P. McNamara, 7539 West Q Avenue, Kalamazoo, Michigan 49009, county of Kalamazoo, as a member representing mobile home dealers, succeeding himself, for a term expiring on May 9, 2000.

Mr. Robert Lee Myers, 51074 Mott #63, Canton, Michigan 48188, county of Wayne, as a member representing organized labor, succeeding himself, for a term expiring on May 9, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

House Bill No. 4520, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 17h (MCL 436.17h), as amended by 1996 PA 379.

(For text of amendment, see Senate Journal No. 55, p. 968.)

The question being on concurring in the House amendment made to the Senate substitute,

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

Roll Call No. 381

Yeas—27

Bennett	Dunaskiss	McManus	Smith, A.
Bullard	Gast	Miller	Smith, V.
Cherry	Geake	North	Stallings
Cisky	Gougeon	O'Brien	Steil
Conroy	Hart	Peters	Vaughn
DeBeaussaert	Hoffman	Rogers	Young
Dingell	Koivisto	Schuette	

Nays—6

Bouchard	Carl	Shugars	Van Regenmorter
Byrum	DeGrow		

Excused—5

Berryman	Posthumus	Schwarz	Stille
Emmons			

Not Voting—0

In The Chair: President

Senators Schwarz and Posthumus entered the Senate Chamber.

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

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

House Bill No. 4392

House Bill No. 4394

House Bill No. 4636

The motion prevailed.

The following bill was read a third time:

House Bill No. 4392, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052a.

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. 382

Yeas—35

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Gast	O'Brien	Stallings
Carl	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Van Regenmorter
Cisky	Hart	Rogers	Vaughn
Conroy	Hoffman	Schuetten	Young
DeBeaussiaert	Koivisto	Schwarz	

Nays—0

Excused—3

Berryman	Emmons	Stille
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Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

"An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of

health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title of the bill.

The following bill was read a third time:

House Bill No. 4394, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3407a.

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. 383

Yeas—35

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Gast	O’Brien	Stallings
Carl	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Van Regenmorter
Cisky	Hart	Rogers	Vaughn
Conroy	Hoffman	Schuetz	Young
DeBeaussiaert	Koivisto	Schwarz	

Nays—0

Excused—3

Berryman	Emmons	Stille
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Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain

insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for 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 certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title of the bill.

The following bill was read a third time:

House Bill No. 4636, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20129a (MCL 324.20129a), as added by 1995 PA 71.

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. 384

Yeas—35

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Gast	O’Brien	Stallings
Carl	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Van Regenmorter
Cisky	Hart	Rogers	Vaughn
Conroy	Hoffman	Schuetz	Young
DeBeaussiaert	Koivisto	Schwarz	

Nays—0

Excused—3

Berryman	Emmons	Stille
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Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title of the bill.

Recess

Senator DeGrow moved that the Senate recess until 1:00 p.m.

The motion prevailed, the time being 10:21 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

Recess

Senator DeGrow moved that the Senate recess until 1:15 p.m.

The motion prevailed, the time being 1:01 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 164, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1998; 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 appointed Reps. Prusi, Harder and Jansen as conferees to join with Senators McManus, Gast and Koivisto.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 166, entitled

A bill to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has appointed Reps. Mathieu, Hood and Gilmer as conferees to join with Senators Steil, Gast and O'Brien.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 167, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Tesanovich, Hale and Bobier as conferees to join with Senators McManus, Gast and A. Smith.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 168, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Tesanovich, Hale and Bobier as conferees to join with Senators McManus, Gast and Koivisto.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 169, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has appointed Reps. Price, Martinez and Bankes as conferees to join with Senators Geake, Steil and Conroy.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 170, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the Michigan biologic products institute, the executive office, and the legislative branch for the fiscal year ending September 30, 1998; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1998; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has appointed Reps. Owen, Martinez and Bobier as conferees to join with Senators DeGrow, Steil and A. Smith.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 171, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 1998; 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 appointed Reps. Ciaramitaro, Parks and Godchaux as conferees to join with Senators DeGrow, Steil and A. Smith.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 172, entitled

A bill to make appropriations for the department of military affairs for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military 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 appointed Reps. Schroer, Prusi and McBryde as conferees to join with Senators Cisky, Hoffman and Vaughn.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 173, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1998; 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 appointed Reps. Schroer, Frank and McBryde as conferees to join with Senators Cisky, Hoffman and Vaughn.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 174, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1998; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds; to prescribe requirements for certain railroad facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Harder, Stallworth and Jellema as conferees to join with Senators Hoffman, DeGrow and O'Brien.

The bill was referred to the Conference Committee on June 25, 1997.

Senate Bill No. 114, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a), section 2950 as amended by 1996 PA 10 and section 2950a as amended by 1994 PA 404.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 24, after "IS" by inserting "A PERSON WHO IS ISSUED A LICENSE TO CARRY A CONCEALED WEAPON FOR PURPOSES OF PERFORMING DUTIES RELATED TO HIS OR HER EMPLOYMENT OR BUSINESS,".

2. Amend page 2, line 26, after the second "SHERIFF" by striking out the comma and inserting "OR".

3. Amend page 2, line 27, after "POLICE," by striking out "OR".

4. Amend page 3, line 1, after "OFFICER" by striking out "OR" and inserting a comma.

5. Amend page 3, line 1, after "EMPLOYEE" by inserting a comma and "OR A FEDERAL LAW ENFORCEMENT OFFICER".

6. Amend page 10, line 25, by striking out all of subdivision (B) and inserting:

"(B) "FEDERAL LAW ENFORCEMENT OFFICER" MEANS AN OFFICER OR AGENT EMPLOYED BY A LAW ENFORCEMENT AGENCY OF THE UNITED STATES GOVERNMENT WHOSE PRIMARY RESPONSIBILITY IS THE ENFORCEMENT OF LAWS OF THE UNITED STATES.".

7. Amend page 11, line 22, after "IS" by inserting "A PERSON WHO IS ISSUED A LICENSE TO CARRY A CONCEALED WEAPON FOR PURPOSES OF PERFORMING DUTIES RELATED TO HIS OR HER EMPLOYMENT OR BUSINESS,".

8. Amend page 11, line 24, after the second "SHERIFF" by striking out the comma and inserting "OR".

9. Amend page 11, line 25, after "POLICE," by striking out "OR".

10. Amend page 11, line 26, after "OFFICER" by striking out "OR" and inserting a comma.

11. Amend page 11, line 26, after "EMPLOYEE" by inserting a comma and "OR A FEDERAL LAW ENFORCEMENT OFFICER".

12. Amend page 18, line 24, by striking out all of subdivision (A) and inserting:

"(A) "FEDERAL LAW ENFORCEMENT OFFICER" MEANS AN OFFICER OR AGENT EMPLOYED BY A LAW ENFORCEMENT AGENCY OF THE UNITED STATES GOVERNMENT WHOSE PRIMARY RESPONSIBILITY IS THE ENFORCEMENT OF LAWS OF THE UNITED STATES.".

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

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

Senate Bill No. 526, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

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

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

Senate Bill No. 570, entitled

A bill to create the compulsive gaming prevention fund; to impose duties on certain licensed entities; to prescribe the duties of certain state officials; and to impose penalties.

The above bill was read a third time.

The question being on the passage of the bill,

Senator A. Smith offered the following amendment:

1. Amend page 3, line 26, after “issues,” by inserting “the senate and house of representatives appropriations committees”.

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

The question being on the passage of the bill,

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

The motion prevailed.

Senator DeGrow moved that Senators Posthumus and Gast be temporarily excused from the balance of today’s session.

The motion prevailed.

The Senators are attending a budget target setting meeting.

The following bill was read a third time:

Senate Bill No. 573, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding sections 309a and 309b.

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. 385

Yeas—32

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Geake	O’Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetten	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young

Nays—0

Excused—5

Berryman	Gast	Posthumus	Stille
Emmons			

Not Voting—1

Carl

In The Chair: President

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 571, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 16, 41, and 43 (MCL 432.16, 432.41, and 432.43), section 16 as added and sections 41 and 43 as amended by 1996 PA 167.

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. 386

Yeas—32

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Geake	O'Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetten	Vaughn
DeBeaussiaert	Koivisto	Schwarz	Young

Nays—0

Excused—6

Berryman	Emmons	Posthumus	Stille
Carl	Gast		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 574, entitled

A bill to regulate persons having certain gaming interests; to require registration of persons having certain gaming interests and their agents; to require the filing of reports; to prescribe the powers and duties of the department of state; and to prescribe penalties.

The question being on the passage of the bill,

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

Roll Call No. 387

Yeas—31

Bennett	DeGrow	Miller	Smith, A.
Bouchard	Dingell	North	Smith, V.

Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

Dunaskiss
Geake
Gougeon
Hart
Koivisto
McManus

O'Brien
Peters
Rogers
Schuette
Schwarz
Shugars

Stallings
Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—6

Berryman
Carl

Emmons
Gast

Posthumus

Stille

Not Voting—1

Hoffman

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 284

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 583, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690).

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. 388

Yeas—32

Bennett
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Stallings
Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—6

Berryman
Carl

Emmons
Gast

Posthumus

Stille

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 585, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 9 (MCL 207.779), as amended by 1996 PA 449.

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. 389**Yeas—32**

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Geake	O’Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuette	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young

Nays—0**Excused—6**

Berryman	Emmons	Posthumus	Stille
Carl	Gast		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 586, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending section 5 (MCL 141.1155), as amended by 1996 PA 455.

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. 390**Yeas—32**

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.

Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

Dunaskiss
Geake
Gougeon
Hart
Hoffman
Koivisto

North
O'Brien
Peters
Rogers
Schuette
Schwarz

Smith, V.
Stallings
Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—6

Berryman
Carl

Emmons
Gast

Posthumus

Stille

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 587, entitled

A bill to amend 1985 PA 224, entitled "Enterprise zone act," by amending section 21c (MCL 125.2121c), as added by 1996 PA 444.

The question being on the passage of the bill,

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

Roll Call No. 391

Yeas—32

Bennett
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Stallings
Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—6

Berryman
Carl

Emmons
Gast

Posthumus

Stille

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 588, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

The question being on the passage of the bill,

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

Roll Call No. 392

Yeas—32

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Geake	O'Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetten	Vaughn
DeBeaussiaert	Koivisto	Schwarz	Young

Nays—0

Excused—6

Berryman	Emmons	Posthumus	Stille
Carl	Gast		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 589, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 11 (MCL 207.561), as amended by 1996 PA 446.

The question being on the passage of the bill,

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

Roll Call No. 393

Yeas—32

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Geake	O'Brien	Stallings

Cherry
Cisky
Conroy
DeBeaussaert

Gougeon
Hart
Hoffman
Koivisto

Peters
Rogers
Schuette
Schwarz

Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—6

Berryman
Carl

Emmons
Gast

Posthumus

Stille

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 590, entitled

A bill to amend 1978 PA 255, entitled “Commercial redevelopment act,” by amending section 12 (MCL 207.662), as amended by 1996 PA 450.

The question being on the passage of the bill,

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

Roll Call No. 394

Yeas—32

Bennett
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O’Brien
Peters
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Stallings
Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—6

Berryman
Carl

Emmons
Gast

Posthumus

Stille

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 591, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 1 (MCL 211.181), as amended by 1996 PA 447.

The question being on the passage of the bill,

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

Roll Call No. 395

Yeas—32

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Geake	O'Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetten	Vaughn
DeBeaussiaert	Koivisto	Schwarz	Young

Nays—0

Excused—6

Berryman	Emmons	Posthumus	Stille
Carl	Gast		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 592, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as added by 1995 PA 187 and section 411j as amended by 1996 PA 80.

The question being on the passage of the bill,

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

Roll Call No. 396

Yeas—30

Bennett	DeGrow	McManus	Schwarz
Bouchard	Dingell	Miller	Shugars
Bullard	Dunaskiss	North	Smith, A.
Byrum	Geake	O'Brien	Smith, V.
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetten	Young
DeBeaussiaert	Koivisto		

Nays—2

Stallings

Vaughn

Excused—6Berryman
CarlEmmons
Gast

Posthumus

Stille

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 592

The motion prevailed.

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 593, entitled

A bill to authorize certain interceptions of communications and the use of interception devices for certain offenses; to provide for and regulate the application, issuance, and execution of interception orders; to prescribe the powers and duties of certain agencies, officers, and employees; to regulate the use and disclosure of communications and evidence intercepted or obtained under this act; to provide remedies and exemptions from liability; to prescribe penalties; 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. 397**Yeas—20**Bennett
Bouchard
Bullard
Byrum
CiskyDeGrow
Dunaskiss
Geake
Gougeon
HoffmanKoivisto
McManus
North
Posthumus
RogersSchuette
Schwarz
Shugars
Steil
Van Regenmorter**Nays—13**Cherry
Conroy
DeBeaussaert
DingellHart
Miller
O'BrienPeters
Smith, A.
Smith, V.Stallings
Vaughn
Young**Excused—5**Berryman
Carl

Emmons

Gast

Stille

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Cherry, A. Smith, DeBeaussiaert, Conroy, Stallings and Vaughn, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 593.

Senator Cherry's statement, in which Senators A. Smith and DeBeaussiaert concurred, is as follows:

I voted "no" on this bill because it's being put forward as a bill that is intricately important to this casino regulation package. But, when you begin to examine the bill, you find that it is being put forward for a whole variety of criminal purposes. Really, the package, the casino package becomes a convenient vehicle to anchor this bill to. Its intent and purpose goes well beyond regulating the casino industry and on that basis it raises, at least in my mind, a whole host of concerns that I've traditionally had on the question of wiretapping. It's not nearly constructed to apply to operations and crimes that may be directly incidental to casino operations, but, in fact, is simply a vehicle for wide-ranging wiretap powers for the police in this state and on that basis, I voted "no" on the bill.

Senator DeBeaussiaert's statement, in which Senator Conroy concurred, is as follows:

I voted for a bill last year, last session, dealing with the issue of wiretaps and it's clear from the reading of this bill that even taking away the provisions regarding casino gaming, there are much broader implications in this bill than in the bill that passed last session. It goes far, further. Based on those concerns, and the previous comments by the Minority Leader, I voted "no."

Senator Conroy's statement is as follows:

The Gaming Board, if it does its job properly, we should not have the problems that the sponsor of this bill anticipates. That is, if we have quality people who are given the licenses to operate these casinos in the first place, then we won't have the need in the future for that kind of a very restrictive practice of intercepting telephone messages at our home and/or business. For these reasons, I voted "no" on this bill.

Senator Stallings moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Stallings' statement is as follows:

I rise in opposition to item number 18 on the board, Senate Bill No. 593. I rise in opposition because this is an issue of granting through this particular bill extraordinary police powers and I have to commend the committee that sat down over the last two months and attempted to put in place rules and regulations to make casino gaming in the state of Michigan a doable and acceptable industry. But, when one attempts to step on the constitutionality and the rights that should be protected under the Constitution, as this particular bill intends, or at least attempts to do, I rise in opposition to it.

There are already policies and laws and procedures in place to prevent the very same thing that this bill is trying to do without encroaching on the constitutional rights of an individual. When we talk about granting extraordinary police powers to the Prosecutor, to the Attorney General, to those state officials who are already domiciled in the federal jurisdiction, I take exception to it, and I would urge my colleagues in a sense of fairness and protecting the little man and the constitutional rights that should be afforded all of us who attempt to do business in this state, that we reject this particular bill.

Senator Vaughn's statement is as follows:

I voted "no" for obvious reasons. ACLU, who has led the fight in terms of liberty, has set a good and excellent example. Democracy is a very precious thing and we should not water it down disguised fighting some other evil. So I'm surprised that on a bill of casino gambling that someone would issue a statement about wiretapping. I challenge the person who is interested in this to introduce the bill on wiretapping and let it fall or stand on its own merit. I think that this is the sad commentary for those of us who are trying to increase the business climate in our state who would have this kind of curve put in a bill that is good and is in the right direction.

I think we are going to have to be very careful, and I voted "no" because liberty to me is much more than for many of you.

The following bill was read a third time:

Senate Bill No. 594, entitled

A bill to create the Michigan law enforcement investigative fund; to prescribe the powers and duties of certain state agencies and departments; to provide for deposits into the fund; and to provide for expenditures from the fund.

The question being on the passage of the bill,

Senator V. Smith offered the following amendment:

1. Amend page 2, line 4, after “fund” by inserting “with the approval of the senate and house of representatives appropriations committees”.

The question being on the adoption of the amendment,

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

The motion prevailed.

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

Senate Bill No. 569

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 572, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending section 20 (MCL 431.320) and by adding section 9a.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 576, entitled

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 3 (MCL 780.623), as amended by 1994 PA 294.

The question being on the passage of the bill,

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

Roll Call No. 398

Yeas—30

Bennett	DeGrow	McManus	Schwarz
Bouchard	Dingell	Miller	Shugars
Bullard	Dunaskiss	North	Smith, A.
Byrum	Geake	O’Brien	Smith, V.
Cherry	Gougeon	Peters	Stallings
Cisky	Hart	Rogers	Steil
Conroy	Hoffman	Schuetz	Young
DeBeaussiaert	Koivisto		

Nays—0

Excused—5

Berryman	Emmons	Gast	Stille
Carl			

Not Voting—3

Posthumus

Van Regenmorter

Vaughn

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 584, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 31 (MCL 206.31), as added by 1996 PA 448.

The question being on the passage of the bill,

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

Roll Call No. 399**Yeas—32**

Bennett
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Smith, V.
Stallings
Steil
Van Regenmorter
Young

Nays—0**Excused—5**

Berryman
Carl

Emmons

Gast

Stille

Not Voting—1

Vaughn

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 570, entitled

A bill to create the compulsive gaming prevention fund; to impose duties on certain licensed entities; to prescribe the duties of certain state officials; and to impose penalties.

(This bill was read a third time earlier today, amendment adopted and consideration postponed. See p. 998.)

Senator Bouchard offered the following amendment:

1. Amend page 2, line 8, by striking out all of subdivision (a) and inserting:

“(a) The money appropriated from the state services fee fund created under the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.216, for the compulsive gaming prevention fund.”.

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

The question being on the passage of the bill,

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

Roll Call No. 400

Yeas—33

Bennett	Dingell	Miller	Shugars
Bouchard	Dunaskiss	North	Smith, A.
Bullard	Geake	O’Brien	Smith, V.
Byrum	Gougeon	Peters	Stallings
Cherry	Hart	Posthumus	Steil
Cisky	Hoffman	Rogers	Van Regenmorter
Conroy	Koivisto	Schuetten	Vaughn
DeBeaussaert	McManus	Schwarz	Young
DeGrow			

Nays—0

Excused—5

Berryman	Emmons	Gast	Stille
Carl			

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 572, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending section 20 (MCL 431.320) and by adding section 9a.

(This bill was read a third time earlier today and consideration postponed. See p. 1008.)

The question being on the passage of the bill,

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

Roll Call No. 401

Yeas—32

Bennett	DeGrow	Miller	Shugars
Bouchard	Dingell	North	Smith, A.
Bullard	Dunaskiss	O’Brien	Smith, V.
Byrum	Geake	Peters	Stallings
Cherry	Gougeon	Posthumus	Steil

Cisky
Conroy
DeBeaussaert

Hart
Hoffman
Koivisto

Rogers
Schuette
Schwarz

Van Regenmorter
Vaughn
Young

Nays—1

McManus

Excused—5

Berryman
Carl

Emmons

Gast

Stille

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator McManus, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 572.

Senator McManus' statement is as follows:

I voted "no" on the bill to take money out of horse racing and put it into a compulsive gambling fund partly because we haven't had any information in our office from the agricultural people about that issue—anything from Mr. Westrin, anything from the Agriculture Department on the issue. Secondly, we haven't had any problems with this issue in horse racing before, therefore, I voted "no."

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

Senate Bill No. 594, entitled

A bill to create the Michigan law enforcement investigative fund; to prescribe the powers and duties of certain state agencies and departments; to provide for deposits into the fund; and to provide for expenditures from the fund.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 1008.)

The question being on the adoption of the amendment offered by Senator V. Smith,

Senator V. Smith withdrew the amendment.

Senator V. Smith offered the following amendment:

1. Amend page 2, line 3, after "Sec. 2." by inserting "The department of state police shall annually develop a budget for the expenditure of money from the fund, which shall be approved by the senate and house of representatives appropriations committees."

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

The question being on the passage of the bill,

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

Roll Call No. 402

Yeas—32

Bennett
Bouchard

DeGrow
Dingell

McManus
Miller

Shugars
Smith, A.

Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

Dunaskiss
Geake
Gougeon
Hart
Hoffman
Koivisto

North
O'Brien
Peters
Rogers
Schuette
Schwarz

Smith, V.
Stallings
Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—5

Berryman
Carl

Emmons

Gast

Stille

Not Voting—1

Posthumus

In The Chair: President

The Senate agreed to the title of the bill.

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

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 2:40 p.m.

2:46 p.m.

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

Recess

Senator DeGrow moved that the Senate recess until 3:15 p.m.
The motion prevailed, the time being 2:46 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

Recess

Senator DeGrow moved that the Senate recess until 3:30 p.m.
The motion prevailed, the time being 3:16 p.m.

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

The President, Lieutenant Governor Binsfeld, resumed the Chair.

Recess

Senator DeGrow moved that the Senate recess until 3:45 p.m.
The motion prevailed, the time being 3:32 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

Recess

Senator DeGrow moved that the Senate recess until 4:00 p.m.
The motion prevailed, the time being 3:46 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 4:02 p.m.

4:17 p.m.

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

Senators Posthumus and Gast entered the Senate Chamber.

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

Senate Bill No. 284, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 30.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Schuette offered the following substitute:

Substitute (S-6).

The question being on the adoption of the substitute,

Senator DeGrow offered the following amendments to the substitute:

1. Amend page 1, line 1, after "NOT" by striking out "ACCEPT" and inserting "KNOWINGLY MAINTAIN RECEIPT OF".

2. Amend page 1, line 5, by striking out all of subsections (2), (3), and (4), and inserting:

"(2) FOR PURPOSES OF THIS SECTION, A COMMITTEE IS ONLY CONSIDERED TO HAVE KNOWINGLY MAINTAINED RECEIPT OF A CONTRIBUTION PROHIBITED UNDER SUBSECTION (1) AND IS SUBJECT TO A PENALTY FOR THAT VIOLATION IF BOTH OF THE FOLLOWING CIRCUMSTANCES EXIST:

(A) THE SECRETARY OF STATE HAS, BY REGISTERED MAIL, NOTIFIED THE COMMITTEE THAT THE COMMITTEE HAS RECEIVED A CONTRIBUTION IN VIOLATION OF THIS SECTION AND HAS SPECIFICALLY IDENTIFIED THAT CONTRIBUTION.

(B) THE COMMITTEE FAILS TO RETURN THE CONTRIBUTION IDENTIFIED UNDER SUBDIVISION (A) ON OR BEFORE THE THIRTIETH BUSINESS DAY AFTER THE DATE THE COMMITTEE RECEIVES THE NOTIFICATION DESCRIBED IN SUBDIVISION (A).".

The amendments to the substitute were adopted.

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

The question being on the passage of the bill,

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

Roll Call No. 403**Yeas—30**

Bennett	DeGrow	McManus	Schwarz
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Gast	O'Brien	Steil
Cherry	Geake	Peters	Van Regenmorter
Cisky	Gougeon	Posthumus	Vaughn
Conroy	Hart	Rogers	Young
DeBeaussaert	Koivisto		

Nays—4

Hoffman	Schuette	Shugars	Stallings
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Excused—4

Berryman	Carl	Emmons	Stille
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 569, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15 (MCL 432.202, 432.203, 432.204, 432.205, 432.206, 432.208, 432.209, 432.210, 432.211, 432.212, 432.213, 432.214, and 432.215) and by adding sections 4a, 4b, 4c, 4d, 6a, 7a, 7b, 7c, 8a, 8b, 8c, 9a, 9b, 9c, 13a, 13b, 17, 18, 19, 20, 21, 22, 23, 24, and 25; and to repeal acts and parts of acts.

The above bill was read a third time.

The question being on the passage of the bill,

Senators Bouchard and V. Smith offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute,

Senators Bouchard and V. Smith offered the following amendments to the substitute:

1. Amend page 68, line 19, after "NOTWITHSTANDING" by striking out "SUBSECTION (3)" and inserting "SECTION 4C".

2. Amend page 69, line 17, after "GUILTY" by striking out "OF" and inserting "OR".

3. Amend page 72, line 7, after "OTHERWISE" by inserting "QUALIFY".

The amendments to the substitute were adopted.

Senators V. Smith and Bouchard offered the following amendments to the substitute:

1. Amend page 70, line 20, after "WAIVE" by striking out "OR RESCIND".

2. Amend page 70, line 21, after "(6)" by inserting "OR MAY RESCIND A DISQUALIFICATION UNDER SUBSECTION (5)".

The amendments to the substitute were adopted.

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

The question being on the passage of the bill,

Senator DeGrow moved to reconsider the vote by which the substitute was adopted.

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

The question being on the adoption of the substitute,

Senator Schuette offered the following amendment to the substitute:

1. Amend page 108, following line 25, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 284 of the 89th Legislature is enacted into law.”.

The amendment to the substitute was adopted.

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

The question being on the passage of the bill,

The bill was passed, 3/4 of the members serving voting therefor, as follows:

Roll Call No. 404

Yeas—32

Bennett	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Gast	O’Brien	Stallings
Cherry	Geake	Peters	Steil
Cisky	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young

Nays—2

Hoffman	Schuette
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Excused—4

Berryman	Carl	Emmons	Stille
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Not Voting—0

In The Chair: President

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

A bill to amend the Initiated Law of 1996, entitled “Michigan gaming control and revenue act,” by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15 (MCL 432.202, 432.203, 432.204, 432.205, 432.206, 432.208, 432.209, 432.210, 432.211, 432.212, 432.213, 432.214, and 432.215) and by adding sections 4a, 4b, 4c, 4d, 6a, 6b, 7a, 7b, 7c, 8a, 8b, 8c, 9a, 9b, 9c, 9d, 12a, 13a, 17, 18, 19, 20, 21, 22, 23, 24, and 25; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protest

Senator Schuette, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 569.

Senator Schuette’s statement is as follows:

This has been an arduous process where many people have worked long and hard to make sure we have tough, yet fair, regulations implemented in the state of Michigan as a result of Proposal E. Many people worked long hours on

this effort. I was disappointed at the very end. I was unable to vote for a package here, primarily because of the reasons that we weren't able to have final agreement on an anti-bundling provision.

With respect to campaign finance, I have vigorously talked about the need to implement a firewall to maintain the ethics of Michigan government and Michigan politics. I didn't want the sea of money out there to wash our state like we've seen in Nevada and other places. Our government is too precious for that. So, we did put into place in this legislation bans on political contributions from managerial employees of a casino enterprise. We put a prohibition on the money, both hard and soft, to political parties by the casino interests. But at the very end we weren't able to come to an agreement on an anti-bundling provision which would put more of a clamp on the sometimes which occur directing employees to make contributions in a certain amount to a certain candidate or a committee.

We weren't able to get that final provision in on Third Reading as we did on General Orders and that was my primary reason for voting "no" on this package. I think that it's very important that throughout this process now and in the future we have tough laws that maintain the firewall and the integrity of government in the state of Michigan.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senator Shugars introduced
Senate Bill No. 629, entitled

A bill to establish a manufactured housing recovery fund in this state; to prescribe the powers and duties of certain persons and governmental agencies; to prescribe certain fees; and to prescribe remedies and penalties.

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

Senators Dingell and Cherry introduced
Senate Bill No. 630, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101a (MCL 500.3101a), as amended by 1996 PA 456.

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

Senators Dingell and Cherry introduced
Senate Bill No. 631, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended by 1995 PA 287, and by adding section 520a.

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

Senator Schuette introduced
Senate Bill No. 632, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

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

Senators Cisky, North, Bullard, Schuette, Gougeon, Schwarz, McManus and Shugars introduced
Senate Bill No. 633, entitled

A bill to authorize certain interceptions of communications and the use of interception devices for certain offenses; to provide for and regulate the application, issuance, and execution of interception orders; to prescribe the powers and duties of certain agencies, officers, and employees; to regulate the use and disclosure of communications and evidence intercepted or obtained under this act; to provide remedies and exemptions from liability; to prescribe penalties; and to repeal acts and parts of acts.

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

Senators Gougeon, Dunaskiss, Rogers, Schuette, Carl, Bennett, Cisky, Schwarz and Geake introduced
Senate Bill No. 634, entitled

A bill to amend 1990 PA 271, entitled "Limousine transportation act," (MCL 257.1901 to 257.1939) by adding section 8.

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

Senators Schwarz, Cisky, North, Koivisto, Conroy, DeBeaussaert, A. Smith and Dunaskiss introduced

Senate Bill No. 635, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 274 (MCL 206.274), as amended by 1996 PA 484.

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

Senators Schwarz, Miller and DeBeaussaert introduced

Senate Bill No. 636, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 18 (MCL 436.18), as amended by 1994 PA 185.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senators Stille, Bennett, Shugars, Gougeon, Dunaskiss, Byrum, Schwarz, Steil, Bullard, McManus, Cisky, Hoffman, Koivisto, Miller, Cherry, DeBeaussaert, Peters, Dingell, Conroy, Hart and North introduced

Senate Bill No. 637, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 375.

The bill was read a first and second time by title.

Senator DeGrow moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

Senator Gougeon introduced

Senate Bill No. 638, entitled

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

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

Senator DeGrow introduced

Senate Bill No. 639, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

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

House Bill No. 4045, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101 and 3112a (MCL 324.3101 and 324.3112a).

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 Natural Resources and Environmental Affairs.

House Bill No. 4046, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3115b.

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 Natural Resources and Environmental Affairs.

House Bill No. 4047, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3112b.

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 Natural Resources and Environmental Affairs.

House Bill No. 4049, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 518.

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 Natural Resources and Environmental Affairs.

House Bill No. 4775, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 7a and 15 (MCL 423.207a and 423.215), section 7a as added and section 15 as amended by 1994 PA 112, and by adding section 7b.

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 Education.

House Bill No. 4799, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 310a (MCL 750.310a), as added by 1996 PA 539.

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 Gaming and Casino Oversight.

House Bill No. 4811, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 56i.

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.

House Bill No. 4814, entitled

A bill to authorize the department of state police to convey certain state owned property in Iron county; to prescribe conditions for the conveyance; and to provide for the disposition of revenue derived from the conveyance.

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

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

House Bill No. 4840, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Roscommon county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

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

House Bill No. 4857, entitled

A bill to authorize the department of state police to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Tuesday, July 1, at 2:00 p.m. The motion prevailed.

Scheduled Meetings

Conference Committee on Senate Bill No. 166 - Wednesday, July 2, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1801).

Conference Committee on Senate Bill No. 172 - Tuesday, July 1, at 9:30 a.m., Room 405, Capitol Building (3-1760).

Conference Committee on Senate Bill No. 173 - Tuesday, July 1, at 8:30 a.m., Room 405, Capitol Building (3-1760).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 5:14 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, July 1, at 2:00 p.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

