

No. 53

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, June 1, 2000.

10:00 a.m.

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

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

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

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

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

Senator Joanne G. Emmons of the 23rd District offered the following invocation:

Come, Lord, be by us.

As the storm rages outside, please come inside. Calm our rage and anger and take away our fears. Fill us with the peace that only You can give.

Help us have obedience to You and Your directions so that we may be a blessing to ourselves and others.

Come, Lord, be by us.

We are weak, weary, and tired. Our need is great. When we have no words to pray, send us the words.

Thank You for all the blessings that flow from Your bountiful hand. We trust You to guide us and help us. God, have mercy. Amen.

Motions and Communications

The following communications were received:

Office of Auditor General

May 30, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of Barry County Community Mental Health Services an Agency Under Contract with the Department of Community Health, May 2000.

May 30, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of Oaks Correctional Facility, Camp Pugsley, and Camp Sauble, Department of Corrections, May 2000.

May 31, 2000

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, May 2000.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 31:
House Bill Nos. 4245 4246 4474 4631 5043 5543 5548 5754

The Secretary announced the printing and placement in the members' files on Wednesday, May 31, of:

Senate Bill Nos. 1292 1293 1294 1295 1296 1297 1298 1299 1300
House Bill Nos. 5848 5849 5850 5851 5852 5853 5854 5855 5856 5857 5858 5859 5860 5861
5862 5863

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

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

Senator Murphy entered the Senate Chamber.

Recess

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

10:46 a.m.

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

During the recess, Senators Jaye, Young and McCotter entered the Senate Chamber.

Senator Rogers moved that rule 3.202 be suspended to permit immediate consideration of the following bills, now on the order of Messages from the House:

Senate Bill No. 937

Senate Bill No. 1253

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

By unanimous consent the Senate proceeded to the order of
Messages from the House

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

Senate Bill No. 754, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 701.1 to 712A.32) by adding section 18/ to chapter XIAA.

Substitute (H-2).

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. 433

Yeas—37

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

Nays—0

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

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

The Senate agreed to the full title.

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

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

Senate Bill No. 966, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 434**Yeas—14**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hart
Leland

Miller
Murphy
Peters

Smith, A.
Vaughn
Young

Nays—23

Bennett
Bullard
DeGrowth
Dunaskiss
Emmons
Gast

Gougeon
Hammerstrom
Hoffman
Jaye
Johnson
Koivisto

McCotter
McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 967, 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, 2001; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,
Senator Jaye offered the following amendment to the substitute:

1. Amend page 10, following line 4, by inserting:

“Sec. 218. Included in the gross appropriation for each state institution of higher education in part 1 is funding for a “Michigan students first” grant in an amount equal to 1/2 of the amount by which the gross appropriation in part 1 exceeds the gross appropriation for the fiscal year ending September 30, 2000 for that state institution of higher education. This amount shall not be distributed to the state institution of higher education in the manner described in section 210, but shall only be distributed to the state institution of higher education if it is eligible for a grant under this section. To be eligible for a grant, more than 85% of the undergraduate students enrolled in the state institution of higher education for the 2000-2001 academic year must be residents of this state who have resided in this state continuously for the preceding 12 months and are not considered residents of any other state or country. A state institution of higher education shall apply to the state treasurer for award of a grant and the grant shall be awarded if an audit by the auditor general confirms that the state institution of higher education is eligible for the grant.”.

The amendment to the substitute was not adopted.

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 435**Yeas—8**

Byrum
DeBeaussaert

Dingell
Goschka

Leland
Miller

Peters
Shugars

Nays—28

Bennett	Gast	McCotter	Sikkema
Bullard	Gougeon	McManus	Smith, A.
Cherry	Hammerstrom	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dunaskiss	Jaye	Rogers	Van Regenmorter
Emerson	Johnson	Schuetz	Vaughn
Emmons	Koivisto	Schwarz	Young

Excused—1

Smith, V.

Not Voting—1

Hart

In The Chair: Hoffman

Senate Bill No. 963, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2001; to provide for the expenditures of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 436**Yeas—0****Nays—37**

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

Excused—1

Smith, V.

Not Voting—0

In The Chair: Hoffman

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

Senate Bill No. 1052, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2000 PA 46, and by adding chapter XII.

The House of Representatives has amended the bill as follows:

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

An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; TO PROVIDE FOR CERTAIN IMMUNITY FROM LIABILITY; and to provide remedies and penalties."

2. Amend page 8, line 8, after "ACTION" by inserting "WITH THE COURT".
3. Amend page 8, line 9, after "FOLLOWING" by striking out "JURISDICTIONS" and inserting "COUNTIES".
4. Amend page 8, line 10, after the third "THE" by striking out "JURISDICTION" and inserting "COUNTY".
5. Amend page 8, line 14, after the first "THE" by striking out "JURISDICTION" and inserting "COUNTY".
6. Amend page 8, line 16, after "THE" by striking out "JURISDICTION" and inserting "COUNTY".
7. Amend page 8, line 22, by striking out all of section 11 and inserting:

"SEC. 11. (1) IN A CUSTODY ACTION FILED UNDER THIS CHAPTER, THE COURT SHALL ORDER THAT EACH PARTY CLAIMING PATERNITY OR MATERNITY AND THE CHILD SUBMIT TO BLOOD OR TISSUE TYPING DETERMINATIONS, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, DETERMINATIONS OF RED CELL ANTIGENS, RED CELL ISOENZYMES, HUMAN LEUKOCYTE ANTIGENS, SERUM PROTEINS, OR DNA IDENTIFICATION PROFILING, TO DETERMINE WHETHER EACH PARTY IS LIKELY TO BE, OR IS NOT, A BIOLOGICAL PARENT OF THE CHILD. IF THE COURT ORDERS A BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING TO BE CONDUCTED AND A PARTY REFUSES TO SUBMIT TO THE TYPING OR DNA IDENTIFICATION PROFILING, IN ADDITION TO ANY OTHER REMEDIES AVAILABLE, THE COURT MAY DO EITHER OF THE FOLLOWING:

(A) DISMISS THE CUSTODY ACTION IN REGARD TO THE PARTY WHO REFUSES.

(B) IF A HEARING IS HELD, ALLOW THE DISCLOSURE OF THE FACT OF THE REFUSAL UNLESS GOOD CAUSE IS SHOWN FOR NOT DISCLOSING THE FACT OF REFUSAL.

(2) A BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING SHALL BE CONDUCTED BY A PERSON ACCREDITED FOR PATERNITY OR MATERNITY DETERMINATIONS BY A NATIONALLY RECOGNIZED SCIENTIFIC ORGANIZATION, INCLUDING, BUT NOT LIMITED TO, THE AMERICAN ASSOCIATION OF BLOOD BANKS.

(3) THE COURT SHALL FIX THE COMPENSATION OF AN EXPERT AT A REASONABLE AMOUNT. EXCEPT FOR AN INDIVIDUAL WHO THE COURT DETERMINES IS INDIGENT, THE COURT SHALL DIRECT EACH PARTY CLAIMING PATERNITY OR MATERNITY TO PAY THE COMPENSATION FOR HIS OR HER OWN TESTING PLUS A PORTION OF THE COMPENSATION FOR TESTING THE CHILD EQUAL TO THE TOTAL AMOUNT DIVIDED BY THE NUMBER OF PARTIES CLAIMING PATERNITY AND MATERNITY. BEFORE BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING IS CONDUCTED, THE COURT MAY ORDER A PART OR ALL OF THE COMPENSATION PAID IN ADVANCE. DOCUMENTATION OF THE GENETIC TESTING EXPENSES IS ADMISSIBLE AS EVIDENCE OF THE AMOUNT, WHICH EVIDENCE CONSTITUTES PRIMA FACIE EVIDENCE OF THE AMOUNT OF THOSE EXPENSES WITHOUT THIRD PARTY FOUNDATION TESTIMONY.

SEC. 12. (1) SUBJECT TO SUBSECTION (2), THE RESULT OF BLOOD OR TISSUE TYPING OR A DNA IDENTIFICATION PROFILE MADE UNDER THIS CHAPTER AND THE SUMMARY REPORT SHALL BE SERVED ON THE PARTY WHO WAS THE TEST SUBJECT. THE SUMMARY REPORT SHALL BE FILED WITH THE COURT. OBJECTION TO THE DNA IDENTIFICATION PROFILE OR SUMMARY REPORT IS WAIVED UNLESS MADE IN WRITING, SETTING FORTH THE SPECIFIC BASIS FOR THE OBJECTION, WITHIN 14 CALENDAR DAYS AFTER SERVICE ON THE PARTY. THE COURT SHALL NOT SCHEDULE A HEARING ON

THE ISSUE OF PATERNITY OR MATERNITY UNTIL AFTER THE EXPIRATION OF THE 14-DAY PERIOD. IF AN OBJECTION IS NOT FILED, THE COURT SHALL ADMIT IN PROCEEDINGS UNDER THIS CHAPTER THE RESULT OF THE BLOOD OR TISSUE TYPING OR THE DNA IDENTIFICATION PROFILE AND THE SUMMARY REPORT WITHOUT REQUIRING FOUNDATION TESTIMONY OR OTHER PROOF OF AUTHENTICITY OR ACCURACY. IF AN OBJECTION IS FILED WITHIN THE 14-DAY PERIOD AND ON THE MOTION OF A PARTY, THE COURT SHALL HOLD A HEARING TO DETERMINE THE ADMISSIBILITY OF THE DNA IDENTIFICATION PROFILE OR SUMMARY REPORT. THE OBJECTING PARTY HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE BY A QUALIFIED PERSON DESCRIBED IN SECTION 11 OF THIS CHAPTER THAT FOUNDATION TESTIMONY OR OTHER PROOF OF AUTHENTICITY OR ACCURACY IS NECESSARY FOR ADMISSION OF THE DNA IDENTIFICATION PROFILE OR SUMMARY REPORT.

(2) IF THE PROBABILITY OF PATERNITY OR MATERNITY DETERMINED BY THE QUALIFIED PERSON DESCRIBED IN SECTION 11 OF THIS CHAPTER CONDUCTING THE BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING IS 99% OR HIGHER, AND THE DNA IDENTIFICATION PROFILE AND SUMMARY REPORT ARE ADMISSIBLE AS PROVIDED IN SUBSECTION (1), PATERNITY OR MATERNITY IS PRESUMED. IF THE RESULTS OF THE ANALYSIS OF GENETIC TESTING MATERIAL FROM 2 OR MORE PERSONS INDICATE A PROBABILITY OF PATERNITY OR MATERNITY GREATER THAN 99%, THE CONTRACTING LABORATORY SHALL CONDUCT ADDITIONAL GENETIC TESTING UNTIL ALL BUT 1 OF THE PUTATIVE FATHERS OR PUTATIVE MOTHERS IS ELIMINATED, UNLESS THE DISPUTE INVOLVES 2 OR MORE PUTATIVE FATHERS OR PUTATIVE MOTHERS WHO HAVE IDENTICAL DNA.

(3) UPON THE ESTABLISHMENT OF THE PRESUMPTION OF PATERNITY OR MATERNITY AS PROVIDED IN SUBSECTION (2), THE PARTY WHO HAS THE BENEFIT OF THE PRESUMPTION MAY MOVE FOR SUMMARY DISPOSITION UNDER THE COURT RULES ON THE ISSUE OF HIS PATERNITY OR HER MATERNITY.

SEC. 13. (1) EXCEPT AS AUTHORIZED UNDER THIS CHAPTER, A PERSON SHALL NOT DISCLOSE INFORMATION OBTAINED FROM GENETIC TESTING THAT IS AUTHORIZED UNDER THIS CHAPTER.

(2) IF A PARTY WHO IS TESTED AS PART OF AN ACTION UNDER THIS CHAPTER IS FOUND TO BE THE CHILD'S BIOLOGICAL PARENT, THE CONTRACTING LABORATORY SHALL RETAIN THE GENETIC TESTING MATERIAL OF THE PARENT AND THE CHILD FOR NO LONGER THAN THE PERIOD OF YEARS PRESCRIBED BY THE NATIONAL STANDARDS UNDER WHICH THE LABORATORY IS ACCREDITED. IF A PARTY IS FOUND NOT TO BE THE CHILD'S BIOLOGICAL PARENT, THE CONTRACTING LABORATORY SHALL DESTROY THE PARTY'S GENETIC TESTING MATERIAL AFTER IT IS USED IN THE ACTION, IN COMPLIANCE WITH SECTION 13811 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.13811, AND IN THE PRESENCE OF A WITNESS. THE WITNESS MAY BE AN INDIVIDUAL WHO IS A PARTY TO THE DESTRUCTION OF THE GENETIC TESTING MATERIAL. AFTER THE GENETIC TESTING MATERIAL IS DESTROYED, THE CONTRACTING LABORATORY SHALL MAKE AND KEEP A WRITTEN RECORD OF THE DESTRUCTION AND HAVE THE INDIVIDUAL WHO WITNESSED THE DESTRUCTION SIGN THE RECORD. THE CONTRACTING LABORATORY SHALL ALSO EXPUNGE THE CONTRACTING LABORATORY'S RECORDS REGARDING THE GENETIC TESTING PERFORMED ON THE GENETIC TESTING MATERIAL IN ACCORDANCE WITH THE NATIONAL STANDARDS UNDER WHICH THE LABORATORY IS ACCREDITED. THE CONTRACTING LABORATORY SHALL RETAIN THE GENETIC TESTING MATERIAL OF THE CHILD FOR NO LONGER THAN THE PERIOD OF YEARS PRESCRIBED BY THE NATIONAL STANDARDS UNDER WHICH THE LABORATORY IS ACCREDITED. AFTER A CONTRACTING LABORATORY DESTROYS AN INDIVIDUAL'S GENETIC TESTING MATERIAL AS PROVIDED IN THIS SUBSECTION, IT SHALL NOTIFY THE ADULT INDIVIDUAL, OR THE PARENT OR LEGAL GUARDIAN OF A MINOR INDIVIDUAL, BY CERTIFIED MAIL THAT THE GENETIC TESTING MATERIAL WAS DESTROYED.

(3) A CONTRACTING LABORATORY OR ANOTHER ENTITY INVOLVED WITH THE GENETIC TESTING ARE ALL REQUIRED TO PROTECT THE CONFIDENTIALITY OF GENETIC TESTING MATERIAL, EXCEPT AS REQUIRED FOR A PATERNITY OR MATERNITY DETERMINATION UNDER THIS CHAPTER. THE COURT AND ITS OFFICERS SHALL NOT USE OR DISCLOSE GENETIC TESTING MATERIAL FOR A PURPOSE OTHER THAN THE PATERNITY OR MATERNITY DETERMINATION AS AUTHORIZED BY THIS CHAPTER.

(4) A PERSON SHALL NOT SELL, TRANSFER, OR OFFER GENETIC TESTING MATERIAL OBTAINED UNDER THIS CHAPTER EXCEPT AS AUTHORIZED BY THIS CHAPTER.

(5) A CONTRACTING LABORATORY SHALL ANNUALLY CAUSE TO BE CONDUCTED AN INDEPENDENT AUDIT VERIFYING THE CONTRACTING LABORATORY'S COMPLIANCE WITH THIS SECTION AND SECTIONS 11 AND 12 OF THIS CHAPTER. THE AUDIT SHALL NOT DISCLOSE THE NAMES OF, OR OTHERWISE IDENTIFY, THE TEST SUBJECTS REQUIRED TO SUBMIT TO BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING UNDER SECTION 11 OF THIS CHAPTER DURING THE PREVIOUS YEAR. THE CONTRACTING LABORATORY SHALL FORWARD THE AUDIT TO THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(6) A VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000.00. A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.”.

8. Amend page 9, line 11, after “SEC.” by striking out “12” and inserting “14”.
9. Amend page 10, line 12, after “SEC.” by striking out “13” and inserting “15”.
10. Amend page 10, line 13, after “SECTION” by striking out “12” and inserting “14”.
11. Amend page 18, following line 26, by inserting:

“Enacting section 2. This amendatory act takes effect January 1, 2001.” and renumbering the remaining enacting section.

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

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statues relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending the title and section 19b of chapter XIIA (MCL 712A.19b), the title as amended by 1997 PA 163 and section 19b of chapter XIIA as amended by 2000 PA 46, and by adding chapter XII.

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

Senate Bill No. 1053, entitled

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

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 19, by inserting:

“Enacting section 2. This amendatory act takes effect January 1, 2001.” and renumbering the remaining enacting section.

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.

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

Senate Bill No. 1187, entitled

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

The House of Representatives has amended the bill as follows:

1. Amend page 7, line 16, after “REQUIREMENT.” by inserting “THIS SUBSECTION DOES NOT APPLY TO CIRCUMSTANCES THAT ARISE ON OR AFTER THE DATE THAT CHAPTER XII OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712.1 TO 712.20, IS REPEALED.”.

2. Amend page 7, following line 16, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2001.” and renumbering the remaining enacting section.

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.

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

Recess

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

11:13 p.m.

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

Senate Bill No. 1044, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 8, 11, 11f, 11g, 19, 20, 20j, 21b, 24, 26a, 31a, 31c, 31d, 32, 36, 36a, 39, 40, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 91c, 94, 99, 101, 102, 104a, 105, 105b, 105c, 107, 147, 151, 152, and 163 (MCL 388.1603, 388.1606, 388.1608, 388.1611, 388.1611f, 388.1611g, 388.1619, 388.1620, 388.1620j, 388.1621b, 388.1624, 388.1626a, 388.1631a, 388.1631c, 388.1631d, 388.1632, 388.1636, 388.1636a, 388.1639, 388.1640, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1663, 388.1667, 388.1668, 388.1674, 388.1681, 388.1691c, 388.1694, 388.1699, 388.1701, 388.1702, 388.1704a, 388.1705, 388.1705b, 388.1705c, 388.1707, 388.1747, 388.1751, 388.1752, and 388.1763), sections 6, 11, 11f, 11g, 20, 24, 26a, 31a, 31c, 36, 36a, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 94, 99, 101, 104a, 105, 107, and 147 as amended and sections 20j, 31d, 32, and 105c as added by 1999 PA 119, sections 3 and 151 as amended by 1997 PA 93, sections 8 and 39 as amended by 1997 PA 142, sections 19, 21b, 102, and 163 as amended by 1996 PA 300, section 40 as amended by 1991 PA 118, section 91c as added by 1995 PA 130, section 105b as added by 1997 PA 24, and section 152 as amended by 1993 PA 175, and by adding sections 20l, 22a, 22b, 22c, 51c, 94a, 101b, and 108; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-1) and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 3, 6, 8, 11, 11f, 11g, 17b, 19, 20, 20j, 21b, 24, 25, 26a, 31a, 31d, 32, 39, 40, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 91c, 94, 99, 101, 102, 105, 105b, 105c, 107, 147, 151, 152, and 163 (MCL 388.1603, 388.1606, 388.1608, 388.1611, 388.1611f, 388.1611g, 388.1617b, 388.1619, 388.1620, 388.1620j, 388.1621b, 388.1624, 388.1625, 388.1626a, 388.1631a, 388.1631d, 388.1632, 388.1639, 388.1640, 388.1641, 388.1651a, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1663, 388.1667, 388.1668, 388.1674, 388.1681, 388.1691c, 388.1694, 388.1699, 388.1701, 388.1702, 388.1705, 388.1705b, 388.1705c, 388.1707, 388.1747, 388.1751, 388.1752, and 388.1763), sections 6, 11, 11f, 11g, 17b, 20, 24, 26a, 31a, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 94, 99, 101, 105, 107, and 147 as amended and sections 20j, 31d, 32, and 105c as added by 1999 PA 119, sections 3, 25, and 151 as amended by 1997 PA 93, sections 8 and 39 as amended by 1997 PA 142, sections 19, 21b, 102, and 163 as amended by 1996 PA 300, section 40 as amended by 1991 PA 118, section 91c as added by 1995 PA 130, section 105b as added by 1997 PA 24, and section 152 as amended by 1993 PA 175, and by adding sections 11j, 11k, 18b, 18c, 20k, 20l, 22a, 22c, 25b, 32a, 32b, 32c, 32d, 32e, 32f, 32g, 35, 51c, 51d, 84, 94a, 95, 96, 97, 97a, 98, 98a, 98b, 108, and 169c; and to repeal acts and parts of acts.

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

Senator Rogers 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 not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 437

Yeas—3

Byrum

Cherry

Goschka

Nays—34

Bennett

Gougeon

McManus

Shugars

Bullard

Hammerstrom

Miller

Sikkema

DeBeaussaert

Hart

Murphy

Smith, A.

DeGrow

Hoffman

North

Steil

Dingell

Jaye

Peters

Stille

Dunaskiss

Johnson

Rogers

Van Regenmorter

Emerson

Koivisto

Schuette

Vaughn

Emmons

Leland

Schwarz

Young

Gast

McCotter

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

By unanimous consent the Senate returned to the order of
Messages from the Governor

The following message from the Governor was received:

Date: May 31, 2000
 Time: 11:15 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1006 (Public Act No. 130), being

An act to amend 1974 PA 258, entitled “An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending section 204a (MCL 330.1204a), as added by 1995 PA 290.

(Filed with the Secretary of State on May 31, 2000, at 2:25 p.m.)

Respectfully,
 John Engler
 Governor

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

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

House Bill No. 5078, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending sections 7, 9, 10, 12, and 20 (MCL 431.307, 431.309, 431.310, 431.312, and 431.320), section 10 as amended by 1998 PA 408 and section 20 as amended by 1997 PA 73.

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. 438**Yeas—37**

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith, A.
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter

Dunaskiss
Emerson
Emmons

Johnson
Koivisto

Rogers
Schuette

Vaughn
Young

Nays—0

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to license and regulate the conducting of horse race meetings in this state with pari-mutuel wagering on the results of horse races and persons involved in horse racing and pari-mutuel gaming activities at such race meetings; to create the office of racing commissioner; to prescribe the powers and duties of the racing commissioner; to prescribe certain powers and duties of the department of agriculture and the director of the department of agriculture; to provide for the promulgation of rules; to provide for the imposition of taxes and fees and the disposition of revenues; to impose certain taxes; to create funds; to legalize and permit the pari-mutuel method of wagering on the results of live and simulcast races at licensed race meetings in this state; to appropriate the funds derived from pari-mutuel wagering on the results of horse races at licensed race meetings in this state; to prescribe remedies and penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

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

Senate Bill No. 1275, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 358 (MCL 18.1358).

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. 439

Yeas—29

Bennett
Bullard
Byrum
DeGrow
Dingell
Dunaskiss
Emmons
Goschka

Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

Leland
McManus
Miller
Murphy
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—8

Cherry
DeBeaussaert

Emerson
Gast

McCotter
North

Peters
Smith, A.

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator A. Smith as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1282, entitled

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending sections 1 and 2a (MCL 780.581 and 780.582a), section 1 as amended and section 2a as added by 1990 PA 308.

Substitute (S-1).

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

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

House Bill No. 4891, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 17 (MCL 205.67), as amended by 1995 PA 254.

Substitute (S-1).

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

1. Amend page 3, line 21, after "RETIREMENT" by striking out "BY MARCH 1, 2001 OR".
2. Amend page 3, line 21, after "AFTER" by inserting "EITHER NOTICE TO REGISTER FROM THE DEPARTMENT OR".
3. Amend page 3, line 25, after "ACT" by striking out the period and inserting "UNTIL THE BUYER REGISTERS. AFTER THE DEPARTMENT HAS ISSUED NOTICE TO REGISTER, A NONREGISTERED BUYER SHALL BE ALLOWED TO CLAIM EXEMPTION IN A REFUND CLAIM THAT IS FILED WITH THE DEPARTMENT WITHIN THE TIME PERMITTED UNDER SECTION 27A OF 1941 PA 122, MCL 205.27a."

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

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

Senate Bill No. 1262, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1274b.

Substitute (S-1).

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

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. 1245, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd, 7ee, 10, 24, 24c, 27a, 27b, 27c, 31, 34, 34c, 34d, and 44 (MCL 211.7dd, 211.7ee, 211.10, 211.24, 211.24c, 211.27a, 211.27b, 211.27c, 211.31, 211.34, 211.34c, 211.34d, and 211.44), sections 7dd, 7ee, 24c, 27a, 27b, 34c, and 34d as amended and section 27c as added by 1996 PA 476, sections 10 and 24 as amended by 1994 PA 415, section 34 as amended by 1986 PA 105, and section 44 as amended by 1996 PA 57, and by adding sections 7gg and 27e; 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,

Senator McManus offered the following amendment:

1. Amend page 31, line 11, after "AGRICULTURE." by striking out the balance of the line through "PROPERTY." on line 13.

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. 440

Yeas—28

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Peters	Van Regenmorter
Emmons	Johnson	Schuette	Young

Nays—7

Cherry	Jaye	Murphy	Vaughn
Emerson	Koivisto	Smith, A.	

Excused—1

Smith, V.

Not Voting—2

DeGrow	Rogers
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In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1245.

Senator Cherry's statement is as follows:

I voted "no" on this bill not because I necessarily am opposed to the method being put forward to implement a proposed constitutional amendment, but unfortunately, I think we're putting the cart in front of the horse here. We're going to vote on a package of bills to implement a constitutional amendment that this body hasn't even passed yet. I had a question about the ability of the body to even pass it. So I think it's a little premature to be voting "yes" on an implementation bill when we don't even know if we have anything to implement.

The following bill was read a third time:

Senate Bill No. 1247, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36101, 36111, and 36111b (MCL 324.36101, 324.36111, and 324.36111b), section 36101 as amended and section 36111b as added by 1996 PA 233 and section 36111 as amended by 1996 PA 567, and by adding part 362.

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. 441

Yeas—30

Bennett	Gougeon	Miller	Shugars
Bullard	Hammerstrom	Murphy	Sikkema
DeGrowth	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Rogers	Van Regenmorter
Emmons	Leland	Schuetz	Vaughn
Gast	McCotter	Schwarz	Young
Goschka	McManus		

Nays—7

Byrum	DeBeaussaert	Jaye	Smith, A.
Cherry	Emerson	Koivisto	

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1246, entitled

A bill to impose a state recapture tax on the change in use of certain agricultural property; to provide for the administration of this act; to prescribe the powers and duties of certain state and local officers; to provide for the collection and distribution of the recapture tax; and to prescribe penalties and provide remedies.

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. 442**Yeas—27**

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

Nays—10

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

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following joint resolution was read a third time:

Senate Joint Resolution M, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to restrict the assessment of agricultural real property used in agricultural operations.

The question being on the adoption of the joint resolution,

Senator McManus offered the following substitute:

Substitute (S-8).

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

The question being on the adoption of the joint resolution,

The joint resolution was not adopted, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 443**Yeas—23**

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

Nays—12

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

Excused—1

Smith, V.

Not Voting—2

Dingell

Miller

In The Chair: Schwarz

Senator Rogers moved to reconsider the vote by which the joint resolution was not adopted.
 The question being on the motion to reconsider,
 Senator Rogers moved that further consideration of the joint resolution be postponed for today.
 The motion prevailed.

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

Senate Bill No. 937, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," by amending section 6l (MCL 460.6l), as added by 1982 PA 304, and by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10p, 10q, 10r, 10s, 10t, 10v, 10w, 10x, 10y, and 10aa.

The House of Representatives has amended the bill as follows:

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

An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; TO PROVIDE FOR ALTERNATIVE ENERGY SUPPLIERS; TO PROVIDE FOR LICENSING; TO INCLUDE MUNICIPALLY OWNED UTILITIES AND OTHER PROVIDERS OF ENERGY UNDER CERTAIN PROVISIONS OF THIS ACT; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law ~~therein~~ on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit CERTAIN rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; TO CREATE A FUND; to provide for a restructuring of ~~rates for certain utilities~~ THE MANNER IN WHICH ENERGY IS PROVIDED IN THIS STATE; to encourage the utilization of resource recovery facilities; TO PROHIBIT CERTAIN ACTS AND PRACTICES OF PROVIDERS OF ENERGY; TO ALLOW FOR THE SECURITIZATION OF STRANDED COSTS; TO REDUCE RATES; to provide for appeals; to provide appropriations; to declare the effect AND PURPOSE of this act; to prescribe REMEDIES AND penalties; and to repeal ~~all acts contrary to this act~~ AND PARTS OF ACTS."

2. Amend page 1, line 1, after "THROUGH" by striking out "10G" and inserting "10BB".
3. Amend page 2, line 1, after "THROUGH" by striking out "10W" and inserting "10BB".
4. Amend page 2, following line 17, by inserting:
 "(3) SUBSECTION (2) DOES NOT APPLY AFTER DECEMBER 31, 2003."
5. Amend page 2, line 21, after "COSTS" by inserting "AND IMPLEMENTATION COSTS".
6. Amend page 3, line 5, after "APPLICABLE" by inserting "USERS, SALES, AND".

7. Amend page 3, line 7, after "ACT." by striking out the balance of the line through "2003." on line 8.
8. Amend page 3, line 20, after "THROUGH" by striking out "10W" and inserting "10BB".
9. Amend page 3, line 27, after "COMMISSION." by inserting "AN ELECTRIC UTILITY THAT HAS NOT HAD VOLUNTARY COMMITMENTS TO PROVIDE CUSTOMER CHOICE PREVIOUSLY APPROVED BY ORDERS OF THE COMMISSION SHALL FILE A RESTRUCTURING PLAN TO ALLOW CUSTOMERS TO CHOOSE AN ALTERNATIVE ELECTRIC SUPPLIER NO LATER THAN THE DATE ORDERED BY THE COMMISSION. THE PLAN SHALL PROPOSE A METHODOLOGY TO DETERMINE THE ELECTRIC UTILITY'S NET STRANDED COSTS AND IMPLEMENTATION COSTS.".
10. Amend page 5, line 21, after "EITHER" by striking out the comma and inserting "1 OF THE FOLLOWING:
(i)".
11. Amend page 5, line 25, after "PERIOD" by striking out "OR CAPABLE" and inserting a period and:
"(ii) CAPABLE".
12. Amend page 6, line 10, after "ACT" by striking out the period and inserting a comma.
13. Amend page 6, following line 10, subsection (12), after "(12)" by striking out "THE RATES FOR RESIDENTIAL CUSTOMERS THAT REMAIN WITH OR WITH" and inserting "AFTER THE TIME PERIOD DESCRIBED IN SECTION 10D(2), THE RATES FOR RETAIL CUSTOMERS THAT REMAIN WITH OR".
14. Amend page 6, following line 14, subsection (2), after "SERVICES." by inserting "NO EARLIER THAN 1 YEAR FROM THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION MAY ORDER THE ELECTRIC UTILITY TO FILE AN APPLICATION TO UNBUNDLE EXISTING RESIDENTIAL RATE SCHEDULES. THE COMMISSION MAY ALLOW THE UNBUNDLED RATES TO BE EXPRESSED ON RESIDENTIAL BILLINGS IN TERMS OF PERCENTAGES IN ORDER TO SIMPLIFY RESIDENTIAL BILLING.".
15. Amend page 6, line 24, after "SUBSECTION" by striking out "(4)" and inserting "(5)".
16. Amend page 7, line 9, after "SEC. 10C." by inserting "(1) EXCEPT FOR A VIOLATION UNDER SECTION 10A(3) AND AS OTHERWISE PROVIDED UNDER THIS SECTION,".
17. Amend page 7, line 12, after "SECTIONS" by striking out the balance of the line through "10W" on line 13 and inserting "10 THROUGH 10BB".
18. Amend page 8, following line 3, by inserting:
"(2) UPON A COMPLAINT OR THE COMMISSION'S OWN MOTION, THE COMMISSION MAY CONDUCT A CONTESTED CASE TO REVIEW ALLEGATIONS OF A VIOLATION UNDER SECTION 10A(3).
(3) IF THE COMMISSION FINDS THAT A PERSON HAS VIOLATED SECTION 10A(3), THE COMMISSION SHALL ORDER REMEDIES AND PENALTIES TO PROTECT CUSTOMERS AND OTHER PERSONS WHO HAVE SUFFERED DAMAGES AS A RESULT OF THE VIOLATION, INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:
(A) ORDER THE PERSON TO PAY A FINE FOR THE FIRST OFFENSE OF NOT LESS THAN \$20,000.00 OR MORE THAN \$30,000.00. FOR A SECOND AND ANY SUBSEQUENT OFFENSE, THE COMMISSION SHALL ORDER THE PERSON TO PAY A FINE OF NOT LESS THAN \$30,000.00 OR MORE THAN \$50,000.00. IF THE COMMISSION FINDS THAT THE SECOND OR ANY OF THE SUBSEQUENT OFFENSES WERE KNOWINGLY MADE IN VIOLATION OF SECTION 10A(3), THE COMMISSION SHALL ORDER THE PERSON TO PAY A FINE OF NOT MORE THAN \$70,000.00. EACH UNAUTHORIZED ACTION MADE IN VIOLATION OF SECTION 10A(3) SHALL BE A SEPARATE OFFENSE UNDER THIS SUBDIVISION.
(B) ORDER AN UNAUTHORIZED SUPPLIER TO REFUND TO THE CUSTOMER ANY AMOUNT GREATER THAN THE CUSTOMER WOULD HAVE PAID TO AN AUTHORIZED SUPPLIER.
(C) ORDER AN UNAUTHORIZED SUPPLIER TO REIMBURSE AN AUTHORIZED SUPPLIER AN AMOUNT EQUAL TO THE AMOUNT PAID BY THE CUSTOMER THAT SHOULD HAVE BEEN PAID TO THE AUTHORIZED SUPPLIER.
(D) ORDER THE REFUND OF ANY AMOUNTS PAID BY THE CUSTOMER FOR UNAUTHORIZED SERVICES.
(E) ORDER A PORTION BETWEEN 10% TO 50% OF THE FINE ORDERED UNDER SUBDIVISION (A) BE PAID DIRECTLY TO THE CUSTOMER WHO SUFFERED THE VIOLATION UNDER SECTION 10A(3).
(F) IF THE PERSON IS LICENSED UNDER THIS ACT, REVOKE THE LICENSE IF THE COMMISSION FINDS A PATTERN OF VIOLATIONS OF SECTION 10A(3).
(G) ISSUE CEASE AND DESIST ORDERS.
(4) NOTWITHSTANDING SUBSECTION (3), A FINE SHALL NOT BE IMPOSED FOR A VIOLATION OF SECTION 10A(3) IF THE SUPPLIER HAS OTHERWISE FULLY COMPLIED WITH SECTION 10A(3) AND SHOWS THAT THE VIOLATION WAS AN UNINTENTIONAL AND BONA FIDE ERROR WHICH OCCURRED NOTWITHSTANDING THE MAINTENANCE OF PROCEDURES REASONABLY ADOPTED TO AVOID THE ERROR. EXAMPLES OF A BONA FIDE ERROR INCLUDE CLERICAL, CALCULATION, COMPUTER MALFUNCTION, PROGRAMMING, OR PRINTING ERRORS. AN ERROR IN LEGAL JUDGMENT WITH RESPECT TO A SUPPLIER'S OBLIGATIONS UNDER SECTION 10A(3) IS NOT A BONA FIDE ERROR. THE BURDEN OF PROVING THAT A VIOLATION WAS AN UNINTENTIONAL AND BONA FIDE ERROR IS ON THE SUPPLIER.

(5) IF THE COMMISSION FINDS THAT A PARTY'S POSITION IN A COMPLAINT FILED UNDER SUBSECTION (2) IS FRIVOLOUS, THE COMMISSION SHALL AWARD TO THE PREVAILING PARTY THEIR COSTS, INCLUDING REASONABLE ATTORNEY FEES, AGAINST THE NONPREVAILING PARTY AND THEIR ATTORNEY."

19. Amend page 8, line 19, after "EXPANSION" by inserting "PROVIDED FOR IN THE PLAN".

20. Amend page 8, line 20, after the first "RATES" by striking out "OF AN ELECTRIC UTILITY WITH 1,000,000 OR MORE RETAIL CUSTOMERS OF" and inserting "FOR".

21. Amend page 8, line 20, after "MANUFACTURING CUSTOMERS" by inserting "OF AN ELECTRIC UTILITY WITH 1,000,000 OR MORE RETAIL CUSTOMERS".

22. Amend page 8, line 21, after "2006" by inserting "ABOVE THE RATES ESTABLISHED UNDER SUBSECTION (1)".

23. Amend page 8, line 22, after "ON" by striking out the balance of the line through "PRUDENT" on line 23.

24. Amend page 9, line 1, after "RECOVERY" by striking out the balance of the line through "UPON" on line 2 and inserting a period and "AFTER NOTICE AND HEARING, THE COMMISSION SHALL DETERMINE THE AMOUNT OF REASONABLE AND PRUDENT COSTS, IF ANY, TO BE RECOVERED AND THE RECOVERY PERIOD, WHICH SHALL NOT EXCEED 5 YEARS, AND SHALL NOT COMMENCE UNTIL AFTER THE".

25. Amend page 9, line 9, after "SUBSECTION (1)." by inserting "THE FINANCING ORDER MAY PROVIDE THAT A UTILITY SHALL ONLY ISSUE SECURITIZATION BONDS IN AN AMOUNT EQUAL TO OR LESS THAN REQUESTED BY THE UTILITY, BUT THE COMMISSION SHALL NOT PRECLUDE THE ISSUANCE OF AN AMOUNT OF SECURITIZATION BONDS SUFFICIENT TO FUND THE RATE REDUCTION REQUIRED UNDER SECTION 10D (1)."

26. Amend page 9, following line 14, subsection (6), after the first "CUSTOMERS" by striking out "AND PROPORTIONATE REDUCTIONS IN THE CHARGES TO RECOVER AN ELECTRIC UTILITY'S STRANDED COSTS".

27. Amend page 9, following line 14, by striking out all of subsection (7) and inserting:

"(7) UNTIL THE END OF THE PERIOD DESCRIBED IN SUBSECTION (2), THE COMMISSION SHALL NOT AUTHORIZE ANY FEES OR CHARGES THAT WILL CAUSE THE RESIDENTIAL RATE REDUCTION REQUIRED UNDER SUBSECTION (1) TO BE LESS THAN 5%.

28. Amend page 9, following line 14, following subsection (7), by inserting:

"(8) IF AN ELECTRIC UTILITY SERVING LESS THAN 1,000,000 RETAIL CUSTOMERS IN THIS STATE AS OF MAY 1, 2000 ISSUES SECURITIZATION BONDS AS ALLOWED UNDER THIS ACT, IT SHALL HAVE THE SAME RIGHTS, DUTIES, AND OBLIGATIONS UNDER THIS SECTION AS AN ELECTRIC UTILITY SERVING 1,000,000 OR MORE RETAIL CUSTOMERS IN THIS STATE AS OF MAY 1, 2000.

(9) THE PUBLIC SERVICE COMMISSION SHALL TAKE THE NECESSARY STEPS TO ENSURE THAT ALL ELECTRICAL POWER GENERATING FACILITIES IN THIS STATE COMPLY WITH ALL RULES, REGULATIONS, AND STANDARDS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY REGARDING MERCURY EMISSIONS."

29. Amend page 9, line 26, by striking out all of subsection (2) and inserting:

"(2) A MERCHANT PLANT MAY SELL ITS CAPACITY TO ALTERNATIVE ELECTRIC SUPPLIERS, ELECTRIC UTILITIES, MUNICIPAL ELECTRIC UTILITIES, RETAIL CUSTOMERS, OR OTHER PERSONS. A MERCHANT PLANT MAKING SALES TO RETAIL CUSTOMERS IS AN ALTERNATIVE ELECTRIC SUPPLIER AND SHALL OBTAIN A LICENSE UNDER SECTION 10A(2).

(3) THE COMMISSION SHALL ESTABLISH STANDARDS FOR THE INTERCONNECTION OF MERCHANT PLANTS WITH THE TRANSMISSION AND DISTRIBUTION SYSTEMS OF ELECTRIC UTILITIES. THE STANDARDS SHALL NOT REQUIRE AN ELECTRIC UTILITY TO INTERCONNECT WITH GENERATING FACILITIES WITH A CAPACITY OF LESS THAN 100 KILOWATTS FOR PARALLEL OPERATIONS. THE STANDARDS SHALL BE CONSISTENT WITH GENERALLY ACCEPTED INDUSTRY PRACTICES AND GUIDELINES AND SHALL BE ESTABLISHED TO ENSURE THE RELIABILITY OF ELECTRIC SERVICE AND THE SAFETY OF CUSTOMERS, UTILITY EMPLOYEES, AND THE GENERAL PUBLIC. THE MERCHANT PLANT WILL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE INTERCONNECTION UNLESS THE COMMISSION HAS OTHERWISE ALLOCATED THE COSTS AND PROVIDED FOR COST RECOVERY.

(4) THIS SECTION DOES NOT APPLY TO INTERCONNECTIONS OR TRANSACTIONS THAT ARE SUBJECT TO THE JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION."

30. Amend page 11, following line 23, by inserting:

"(6) WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL ISSUE A REPORT TO THE GOVERNOR AND THE LEGISLATURE THAT ANALYZES ALL ASPECTS RELATING TO MARKET POWER IN THE UPPER PENINSULA OF THIS STATE. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, CONCENTRATION OF GENERATING CAPACITY, CONTROL OF THE TRANSMISSION SYSTEM, RESTRICTIONS ON THE DELIVERY OF POWER, ABILITY OF NEW SUPPLIERS TO ENTER THE MARKET, AND IDENTIFICATION OF ANY MARKET POWER PROBLEMS UNDER THE EXISTING MARKET POWER TEST. PRIOR TO ISSUING ITS REPORT, THE COMMISSION SHALL RECEIVE WRITTEN COMMENTS AND HOLD HEARINGS TO SOLICIT PUBLIC INPUT."

31. Amend page 11, line 24, after "THROUGH" by striking out "10W" and inserting "10BB".
32. Amend page 12, line 2, after "STATE." by striking out the balance of the line.
33. Amend page 12, line 9, after "THAN" by striking out "10 MEGAWATTS" and inserting "100 KILOWATTS".
34. Amend page 12, line 11, after the first "UTILITY" by striking out "OR AN AFFILIATE OF AN ELECTRIC UTILITY".
35. Amend page 12, following line 16, section 10P(5), after "EXPERIENCE." by inserting "THE COMMISSION SHALL ALSO INCLUDE PROVISIONS TO UPGRADE THE SERVICE QUALITY OF DISTRIBUTION CIRCUITS THAT HISTORICALLY HAVE EXPERIENCED SIGNIFICANTLY BELOW-AVERAGE PERFORMANCE IN RELATIONSHIP TO SIMILAR DISTRIBUTION CIRCUITS.".
36. Amend page 12, following line 16, following section 10Q(2)(B), by inserting:

"(3) THE COMMISSION SHALL ORDER THE APPLICANT TO POST A BOND OR PROVIDE A LETTER OF CREDIT OR OTHER FINANCIAL GUARANTEE IN A REASONABLE AMOUNT ESTABLISHED BY THE COMMISSION OF NOT LESS THAN \$40,000.00, IF THE COMMISSION FINDS AFTER AN INVESTIGATION AND REVIEW THAT THE REQUIREMENT OF A BOND WOULD BE IN THE PUBLIC INTEREST." and renumbering the remaining subsection.
37. Amend page 12, following line 16, section 10Q(3), after the second "THIS" by striking out "PROVISION" and inserting "SUBSECTION".
38. Amend page 12, following line 16, section 10R(3), after "INSERT" by striking out "OR" and inserting a comma.
39. Amend page 12, following line 16, section 10R(3), after "CONTRACTS," by inserting "OR, FOR COOPERATIVES, PERIODICALS ISSUED BY AN ASSOCIATION OF RURAL ELECTRIC COOPERATIVES,".
40. Amend page 12, following line 16, section 10R(3)(B), after "HOUR," by striking out "OF HIGH-LEVEL NUCLEAR WASTE GENERATED,".
41. Amend page 12, following line 16, following section 10R(3)(B), by inserting:

"(C) THE AVERAGE OF THE HIGH-LEVEL NUCLEAR WASTE GENERATED IN POUNDS PER MEGAWATT HOUR." and relettering the remaining subdivision.
42. Amend page 12, following line 16, section 10R(3)(C), after "(3)(A)" by striking out "AND (B)" and inserting a comma and "(B), AND (C)".
43. Amend page 12, following line 16, section 10T(4), after "(4)" by striking out "A REGULATED SERVICE PROVIDER" and inserting "AN ELECTRIC UTILITY".
44. Amend page 12, following line 16, section 10T(4), after the third "TO" by striking out "A COMPETITIVE" and inserting "AN ALTERNATIVE".
45. Amend page 12, following line 16, following section 10T, by inserting:

"SEC. 10U. THE COMMISSION SHALL FILE A REPORT WITH THE GOVERNOR AND LEGISLATURE BY FEBRUARY 1 OF EACH YEAR THAT SHALL INCLUDE ALL OF THE FOLLOWING:

 - (A) THE STATUS OF COMPETITION FOR THE SUPPLYING OF ELECTRICITY IN THIS STATE.
 - (B) RECOMMENDATIONS FOR LEGISLATION, IF ANY.
 - (C) ACTIONS TAKEN BY THE COMMISSION TO IMPLEMENT MEASURES NECESSARY TO PROTECT CONSUMERS FROM UNFAIR OR DECEPTIVE BUSINESS PRACTICES BY UTILITIES, ALTERNATIVE ELECTRIC SUPPLIERS, AND OTHER MARKET PARTICIPANTS.
 - (D) INFORMATION REGARDING CONSUMER EDUCATION PROGRAMS, APPROVED BY THE COMMISSION, TO INFORM CONSUMERS OF ALL RELEVANT INFORMATION REGARDING THE PURCHASE OF ELECTRICITY AND RELATED SERVICES FROM ALTERNATIVE ELECTRIC SUPPLIERS."
46. Amend page 13, line 8, after "FROM" by striking out "MICHIGAN RETAIL" and inserting "BENEFITTING".
47. Amend page 13, line 17, after "PLAN." by inserting "IF AN ELECTRIC UTILITY OR ITS AFFILIATE IS SUBSEQUENTLY GRANTED COST RECOVERY, THEN THE OBLIGATION TO IMPLEMENT THE ORIGINAL JOINT PLAN IS REQUIRED.".
48. Amend page 13, line 20, after "SECTION." by striking out the balance of the subsection.
49. Amend page 14, following line 15, section 10X(1), after "2005" by inserting a comma and "NOR UNBUNDLE ITS RATES AS REQUIRED UNDER SECTION 10B BEFORE JULY 1, 2004".
50. Amend page 14, following line 15, section 10X(2), after "UTILITY" by inserting "OR AN INDEPENDENT INVESTOR-OWNED UTILITY WITH FEWER THAN 60 EMPLOYEES".
51. Amend page 14, following line 15, section 10X(4), after "FOR" by inserting "ELECTRIC".
52. Amend page 14, following line 15, section 10X, following subsection (4), by inserting:

"(5) A COOPERATIVE ELECTRIC UTILITY SHALL NOT BE REQUIRED TO PROVIDE FUNDING UNDER SECTION 10R(2) UNTIL JULY 1, 2004 OR SUCH TIME AS IT IS PROVIDING CHOICE TO ALL OF ITS RETAIL CUSTOMERS, WHICHEVER IS EARLIER."
53. Amend page 14, following line 15, section 10Y(4)(B), after the second "UTILITY" by striking out "PROVIDER".

54. Amend page 14, following line 15, section 10Y(4)(C), after the third "UTILITY" by inserting "HAS".

55. Amend page 14, following line 15, section 10Y(14), by striking out all of subsection (14) and inserting:

"(14) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTIONS (4)(C), (4)(E), AND (10), SECTIONS 6L, 10 THROUGH 10X, AND 10Z THROUGH 10BB DO NOT APPLY TO A MUNICIPALLY OWNED UTILITY:".

56. Amend page 14, following line 15, following section 10Y(15), by inserting:

"(16) IN THE EVENT THAT AN ENTITY PURCHASES 1 OR MORE DIVISIONS OR BUSINESS UNITS, OR GENERATING STATIONS OR GENERATING UNITS, OF A MUNICIPAL ELECTRIC UTILITY, THE ACQUIRING ENTITY'S CONTRACT AND AGREEMENTS WITH THE SELLING MUNICIPALITY SHALL REQUIRE ALL OF THE FOLLOWING FOR A PERIOD OF AT LEAST 30 MONTHS:

(A) THAT THE ACQUIRING ENTITY OR PERSONS HIRES A SUFFICIENT NUMBER OF EMPLOYEES TO SAFELY AND RELIABLY OPERATE AND MAINTAIN THE STATION, DIVISION, OR UNIT BY FIRST MAKING OFFERS OF EMPLOYMENT TO THE WORKFORCE OF THE MUNICIPAL ELECTRIC UTILITY'S DIVISION, BUSINESS UNIT, OR GENERATING UNIT.

(B) THAT THE ACQUIRING ENTITY OR PERSONS NOT EMPLOY EMPLOYEES FROM OUTSIDE THE MUNICIPAL ELECTRIC UTILITY'S WORKFORCE UNLESS OFFERS OF EMPLOYMENT HAVE BEEN MADE TO ALL QUALIFIED EMPLOYEES OF THE ACQUIRED BUSINESS UNIT OR FACILITY.

(C) THAT THE ACQUIRING ENTITY OR PERSONS HAVE A DISPUTE RESOLUTION MECHANISM CULMINATING IN A FINAL AND BINDING DECISION BY A NEUTRAL THIRD PARTY FOR RESOLVING EMPLOYEE COMPLAINTS OR DISPUTES OVER WAGES, FRINGE BENEFITS, AND WORKING CONDITIONS.

(D) THAT THE ACQUIRING ENTITY OR PERSONS OFFER EMPLOYMENT AT NO LESS THAN THE WAGE RATES AND SUBSTANTIALLY EQUIVALENT FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT THAT ARE IN EFFECT AT THE TIME OF TRANSFER OF OWNERSHIP OF THE DIVISION, BUSINESS UNIT, GENERATING STATION, OR GENERATING UNIT. THE WAGE RATES AND SUBSTANTIALLY EQUIVALENT FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT SHALL CONTINUE FOR AT LEAST 30 MONTHS FROM THE TIME OF THE TRANSFER OF OWNERSHIP UNLESS THE EMPLOYEES, OR WHERE APPLICABLE COLLECTIVE BARGAINING REPRESENTATIVE, AND THE NEW EMPLOYER MUTUALLY AGREE TO DIFFERENT TERMS AND CONDITIONS OF THE EMPLOYMENT WITHIN THAT 30-MONTH PERIOD.

(E) AN ACQUIRING ENTITY IS EXEMPT FROM THE OBLIGATIONS IN THIS SUBSECTION IF THE SELLING MUNICIPALITY TRANSFERS ALL DISPLACED MUNICIPAL ELECTRIC UTILITY EMPLOYEES TO POSITIONS OF EMPLOYMENT WITHIN THE MUNICIPALITY AT NO LESS THAN THE WAGE RATES AND SUBSTANTIALLY EQUIVALENT FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT THAT ARE IN EFFECT AT THE TIME OF TRANSFER. THE WAGE RATES AND SUBSTANTIALLY EQUIVALENT FRINGE BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT SHALL CONTINUE FOR AT LEAST 30 MONTHS FROM THE TIME OF THE TRANSFER UNLESS THE EMPLOYEES, OR WHERE APPLICABLE COLLECTIVE BARGAINING REPRESENTATIVE, AND THE MUNICIPALITY MUTUALLY AGREE TO DIFFERENT TERMS AND CONDITIONS OF THE EMPLOYMENT WITHIN THAT 30-MONTH PERIOD.".

57. Amend page 14, following line 15, following section 10AA, by inserting:

"SEC. 10BB. (1) AGGREGATION MAY BE USED FOR THE PURCHASING OF ELECTRICITY AND RELATED SERVICES FROM AN ALTERNATIVE ELECTRIC SUPPLIER.

(2) LOCAL UNITS OF GOVERNMENT, PUBLIC AND PRIVATE SCHOOLS, UNIVERSITIES, AND COMMUNITY COLLEGES MAY AGGREGATE FOR THE PURPOSE OF PURCHASING ELECTRICITY FOR THEMSELVES OR FOR CUSTOMERS WITHIN THEIR BOUNDARIES WITH THE WRITTEN CONSENT OF EACH CUSTOMER AGGREGATED. CUSTOMERS WITHIN A LOCAL UNIT OF GOVERNMENT SHALL CONTINUE TO HAVE THE RIGHT TO CHOOSE THEIR ELECTRICITY SUPPLIER AND ARE NOT REQUIRED TO PURCHASE ELECTRICITY THROUGH THE AGGREGATOR.

(3) AS USED IN THIS SECTION, "AGGREGATION" MEANS THE COMBINING OF ELECTRIC LOADS OF MULTIPLE RETAIL CUSTOMERS OR A SINGLE CUSTOMER WITH MULTIPLE SITES TO FACILITATE THE PROVISION OF ELECTRIC SERVICE TO SUCH CUSTOMERS.".

58. Amend page 14, following line 15, following section 10BB, by inserting:

"SEC. 10CC. (1) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (2), IF ANY PROVISION OF THIS ACT IS FOUND TO BE INVALID OR UNCONSTITUTIONAL, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED AND WILL REMAIN IN FULL FORCE AND EFFECT.

(2) IF ANY PROVISION OF THIS ACT IS FOUND TO BE INVALID OR UNCONSTITUTIONAL IN A MANNER WHICH PREVENTS THE ISSUANCE OF SECURITIZATION BONDS THAT WOULD OTHERWISE BE ALLOWED, THE RATE REDUCTIONS REQUIRED UNDER SECTION 10D SHALL ALSO BE VOID AND THE RATES SHALL RETURN TO THOSE IN EFFECT ON MAY 1, 2000.".

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

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties

vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act,” by amending the title and section 6l (MCL 460.6l), the title as amended by 1989 PA 2 and section 6l as added by 1982 PA 304, and by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10p, 10q, 10r, 10s, 10t, 10u, 10v, 10w, 10x, 10y, 10aa, 10bb, and 10cc.

The question being on concurring in the amendments made to the bill by the House,
 Senators DeGrow and Cherry offered the following amendment to the amendments:

1. Amend House amendment No. 32, page 12, line 2, after “the line” by inserting “ “and inserting “AN ALTERNATIVE ELECTRIC SUPPLIER IS NOT A PUBLIC UTILITY OR AN ELECTRIC UTILITY. ALTERNATIVE ELECTRIC SUPPLIERS SHALL COLLECT AND REMIT TO LOCAL UNITS OF GOVERNMENT ALL APPLICABLE USER, SALES, AND USE TAXES AS REQUIRED BY LAW.” ” ”.

The amendment to the amendments was adopted.

The question being on concurring in the House amendments, as amended,

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

Roll Call No. 444

Yeas—27

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

Nays—10

Byrum	Emerson	Miller	Smith, A.
Cherry	Hart	Peters	Steil
DeBeaussaert	Koivisto		

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 1253, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and

define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 10h, 10i, 10j, 10k, 10l, 10m, 10n, 10o, and 10z.

The House of Representatives has amended the bill as follows:

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

"(6) SECURITIZATION PROPERTY SHALL CONSTITUTE AN ACCOUNT AS THAT TERM IS DEFINED UNDER THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101 TO 440.11102.

(7) FOR PURPOSES OF THIS ACT AND THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101 TO 440.11102, SECURITIZATION PROPERTY SHALL BE IN EXISTENCE WHETHER OR NOT THE REVENUE OR PROCEEDS IN RESPECT TO THE PROPERTY HAVE ACCRUED AND WHETHER OR NOT THE VALUE OF THE PROPERTY RIGHT IS DEPENDENT ON THE CUSTOMERS OF AN ELECTRIC UTILITY RECEIVING SERVICE.

(8) CHANGES IN THE FINANCING ORDER OR IN THE CUSTOMER'S SECURITIZATION CHARGES DO NOT AFFECT THE VALIDITY, PERFECTION, OR PRIORITY OF THE SECURITY INTEREST IN THE SECURITIZATION PROPERTY.

(9) THE DESCRIPTION OF SECURITIZATION PROPERTY IN A SECURITY AGREEMENT OR OTHER AGREEMENT OR A FINANCING STATEMENT IS SUFFICIENT IF IT REFERS TO THIS ACT AND THE FINANCING ORDER ESTABLISHING THE SECURITIZATION PROPERTY.

(10) THIS ACT SHALL CONTROL IN ANY CONFLICT BETWEEN THIS ACT AND ANY OTHER LAW OF THIS STATE REGARDING THE ATTACHMENT AND PERFECTION AND THE EFFECT OF PERFECTION AND PRIORITY OF ANY SECURITY INTEREST IN SECURITIZATION PROPERTY.

(11) NOTWITHSTANDING THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101 TO 440.11102, THE LAW OF THE STATE OF MICHIGAN SHALL GOVERN THE PERFECTION AND THE EFFECT OF PERFECTION AND PRIORITY OF ANY SECURITY INTEREST IN SECURITIZATION PROPERTY."

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

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

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

Roll Call No. 445

Yeas—27

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

Nays—10

Byrum	Dingell	Koivisto	Peters
Cherry	Emerson	Miller	Smith, A.
DeBeaussaert	Hart		

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 940, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 3 (MCL 124.3).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect. 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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 941, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4f (MCL 117.4f).

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

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

House Bill No. 4684, entitled

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67.

The House of Representatives has amended the Senate amendments as follows:

1. Amend the Senate Amendment, page 4, following line 7, enacting section 1, after "This" by inserting "amendatory".
2. Amend the Senate Amendment, page 4, following line 7, enacting section 1, after "effect" by striking out "90 days after the date this act is enacted" and inserting "October 1, 2000".

The House of Representatives has concurred in the Senate amendments as amended. Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1282

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

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. 1282, entitled

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending sections 1 and 2a (MCL 780.581 and 780.582a), section 1 as amended and section 2a as added by 1990 PA 308.

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. 446

Yeas—36

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

Nays—0

Excused—1

Smith, V.

Not Voting—1

DeGrow

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator A. Smith as Chairperson.

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

House Bill No. 5418, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20140 (MCL 324.20140), as amended by 1995 PA 71.

House Bill No. 5520, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80113 (MCL 324.80113), as added by 1995 PA 58.

House Bill No. 5521, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 7 (MCL 24.207), as amended by 1999 PA 262.

House Bill No. 5581, entitled

A bill to repeal 1899 PA 221, entitled "An act to compel parties engaged in securing ice to erect suitable danger signals and barricades, designating what officials it shall be the duty of to see that the provisions of this act are complied with, and to repeal Act No. 100 of the Public Acts of 1877, entitled "An act to compel parties engaged in securing ice to erect danger signals," being sections 9119 and 9120 of Howell's annotated statutes of the state of Michigan and sections 11525 and 11526 of the Compiled Laws of 1897," (MCL 752.351 to 752.353).

House Bill No. 5311, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227f (MCL 750.227f), as amended by 1996 PA 163.

House Bill No. 5568, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 136c.

House Bill No. 4784, 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 62b (MCL 791.262b), as amended by 1988 PA 492.

House Bill No. 5588, entitled

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

House Bill No. 5590, entitled

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

House Bill No. 5594, entitled

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

House Bill No. 5630, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 42 (MCL 750.42). The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 1271, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 484. The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, following line 25, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1272 of the 90th Legislature is enacted into law."

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

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

Senate Bill No. 1272, entitled

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

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

1. Amend page 3, following line 9, by inserting:

"Enacting section 1. This act does not take effect unless Senate Bill No. 1271 of the 90th Legislature is enacted into law."

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

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

House Bill No. 5534, entitled

A bill to establish career and technical preparation enrollment options for certain students enrolled in Michigan schools; to prescribe certain duties of public schools and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

Substitute (S-1).

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

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

House Bill No. 5526, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 802; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 15, line 3, by striking out all of section 80216.
2. Amend page 17, line 3, after "80213," by inserting "OR".
3. Amend page 17, line 3, after "80215," by striking out "OR 80216,".

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

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

Senate Bill No. 1199, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 1999 PA 39.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1262

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

Senator Rogers moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 5603

The motion prevailed.

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

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. 1262, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1274b.

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. 447

Yeas—34

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

Nays—0

Excused—2

DeGrow	Smith, V.
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Not Voting—2

Cherry	Dunaskiss
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In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators McCotter, Hammerstrom, Steil, Sikkema, Bennett, North, Peters, Young, DeBeaussaert, Schuette, Gougeon, Goschka, Stille, Jaye, Vaughn, Hart, Miller, Murphy, McManus and A. Smith moved that they be named co-sponsors of the following bill:

Senate Bill No. 1262

The motion prevailed.

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

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

Senator Cherry introduced

Senate Bill No. 1303, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 701 (MCL 436.1701).

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

House Bill No. 4245, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2150 (MCL 324.2150), as amended by 1996 PA 585.

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 Finance.

House Bill No. 4246, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2150a.

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 Finance.

House Bill No. 4474, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 5 (MCL 397.555).

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 Finance.

House Bill No. 4631, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

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 Families, Mental Health and Human Services.

House Bill No. 5043, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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 Finance.

House Bill No. 5543, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding chapter XII; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

House Bill No. 5548, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as added by 1993 PA 133.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

House Bill No. 5754, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 12b, 12c, 12d, 13, 13a, 14, 16, 17, 19, 20a, 20c, 20d, and 20e (MCL 38.1132b, 38.1132c, 38.1132d, 38.1133, 38.1133a, 38.1134, 38.1136, 38.1137, 38.1139, 38.1140a, 38.1140c, 38.1140d, and 38.1140e), sections 12b, 12c, and 12d as added and sections 13, 14, 16, 17, 19, 20a, 20d, and 20e as amended by 1996 PA 485, section 13a as added by 1998 PA 343, and section 20c as amended by 1997 PA 42; and to repeal acts and parts of acts.

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

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 12:53 p.m.

2:04 p.m.

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 2:05 p.m.

2:43 p.m.

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

Senators DeGrow and Cherry entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 937, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10v, and 10w.

(This bill was announced earlier today, House amendments, as amended, were concurred in, the bill was given immediate effect and title amendment agreed to. See p. 1078.)

Senator Rogers moved to reconsider the vote by which the House amendments, as amended, were concurred in.

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

Senator Rogers moved to reconsider the vote by which the amendment to the House amendments offered by Senators DeGrow and Cherry was adopted.

The motion prevailed.

The question being on the adoption of the amendment to the amendments,
Senator DeGrow withdrew the amendment.

Senators DeGrow and Cherry offered the following amendment:

1. Amend House amendment No. 32, page 12, line 2, after the second “the” by striking out the balance of the amendment and inserting “ “section and inserting:

“(B) “COMMISSION” MEANS THE MICHIGAN PUBLIC SERVICE COMMISSION IN THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(C) “ELECTRIC UTILITY” MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE ELECTRIC TRANSMISSION LINE CERTIFICATION ACT, 1995 PA 30, MCL 460.562.

(D) “MERCHANT PLANT” MEANS ELECTRIC GENERATING EQUIPMENT AND ASSOCIATED FACILITIES WITH A CAPACITY OF MORE THAN 100 KILOWATTS LOCATED IN THIS STATE THAT ARE NOT OWNED AND OPERATED BY AN ELECTRIC UTILITY.

(E) “RELEVANT MARKET” MEANS EITHER THE UPPER PENINSULA OR THE LOWER PENINSULA OF THIS STATE.

(F) “RENEWABLE ENERGY SOURCE” MEANS ENERGY GENERATED BY SOLAR, WIND, GEOTHERMAL, BIOMASS, INCLUDING WASTE-TO-ENERGY AND LANDFILL GAS OR HYDROELECTRIC.

(2) A SCHOOL DISTRICT AGGREGATING ELECTRICITY FOR SCHOOL PROPERTIES OR AN EXCLUSIVE AGGREGATOR FOR PUBLIC OR PRIVATE SCHOOL PROPERTIES IS NOT AN ELECTRIC UTILITY OR A PUBLIC UTILITY FOR THE PURPOSE OF THAT AGGREGATION.”.” ”.

The amendment to the amendments was adopted.

The question being on concurring in the House amendments, as amended,

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

Roll Call No. 448

Yeas—23

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Stille
DeGrow	Hammerstrom	Murphy	Van Regenmorter
Dingell	Hoffman	Rogers	Vaughn
Dunaskiss	Johnson	Schuette	Young
Emmons	Leland	Schwarz	

Nays—13

Byrum	Hart	Miller	Sikkema
Cherry	Jaye	North	Smith, A.
DeBeaussaert	Koivisto	Peters	Steil
Emerson			

Excused—1

Smith, V.

Not Voting—1

Gast

In The Chair: Schwarz

Senator Rogers moved that, pursuant to rule 1.114, upon receipt of the following bill returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bill to the Governor:

Senate Bill No. 937

The motion prevailed.

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. 1256, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 10t, 10u, 10x, and 10y.

The above bill was read a third time.

The question being on the passage of the bill,

Senator DeGrow offered the following amendment:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by striking out the balance of the bill and inserting:

"SEC. 10DD. AN ALTERNATIVE ELECTRIC SUPPLIER IS NOT A PUBLIC UTILITY OR AN ELECTRIC UTILITY. AN ALTERNATIVE ELECTRIC SUPPLIER SHALL COLLECT AND REMIT TO LOCAL UNITS OF GOVERNMENT ALL APPLICABLE USERS, SALES, AND USE TAXES AS REQUIRED BY LAW."

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. 449

Yeas—36

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

Nays—1

Dingell

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator DeGrow offers to amend the title to read as follows:

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding section 10dd.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Rogers moved that, pursuant to rule 1.114, upon receipt of the following bill returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bill to the Governor:

Senate Bill No. 1256

The motion prevailed.

Committee Reports

The Committee on Finance reported

House Bill No. 4260, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 1995 PA 74.

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

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

Joanne Emmons
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

House Bill No. 5017, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 1996 PA 476.

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

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

Joanne Emmons
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

House Bill No. 5322, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 1994 PA 415.

With the recommendation that the bill pass.

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

Joanne Emmons
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5681, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," (MCL 207.1 to 207.21) by adding section 13a.

With the recommendation that the bill pass.

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

Joanne Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, May 30, 2000, at 3:40 p.m., 8th Floor Conference Room, Farnum Building

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

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

House Bill No. 5719, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2517 (MCL 339.2517), as added by 1993 PA 93.

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, Jaye, 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. 5766, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 4, 10, and 12 (MCL 125.2152, 125.2154, 125.2160, and 125.2162), section 2 as amended by 1998 PA 92 and sections 4, 10, and 12 as amended by 1993 PA 333, and by adding section 12a.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 2, line 22, by striking out all of subparagraph (iii).

2. Amend page 15, line 25, after "12A (3)" by inserting a comma and "NOT TO EXCEED 50%, AS DETERMINED BY THE STATE TREASURER, OF THE AMOUNTS LEVIED BY THE STATE PURSUANT TO THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL 211.901 TO 211.906, AND LOCAL AND INTERMEDIATE SCHOOL DISTRICTS FOR A PERIOD NOT TO EXCEED 6 YEARS, AS DETERMINED BY THE STATE TREASURER, IF THE STATE TREASURER DETERMINES THAT THE CAPTURE UNDER THIS SUBPARAGRAPH IS NECESSARY TO REDUCE UNEMPLOYMENT, PROMOTE ECONOMIC GROWTH, AND INCREASE CAPITAL INVESTMENT IN THE MUNICIPALITY."

3. Amend page 27, line 26, after "FOR" by striking out "ANY" and inserting "REASONABLE MONETARY".
4. Amend page 28, line 2, after "LOCATED" by striking out the balance of the sentence and inserting a period.
5. Amend page 33, line 18, after "31," by striking out "2003" and inserting "2002".
6. Amend page 33, line 19, after "31," by striking out "2003" and inserting "2002".
7. Amend page 34, line 6, by striking out all of subsection (10).

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Leland and Peters

Nays: None

The bill and the amendments 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. 5767, entitled

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

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, Jaye, Leland and Peters

Nays: None

The bill was 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 30, 2000, at 4:08 p.m., Room 110, Farnum Building

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

The Committee on Health Policy reported

House Bill No. 5572, entitled

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

With the recommendation that the bill pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 1301, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 1992 PA 78.

With the recommendation that the bill pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5573, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 404 (MCL 550.1404), as amended by 1996 PA 516.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 2, line 7, after "than" by striking out "25" and inserting "45".
2. Amend page 2, line 11, by striking out "25-CALENDAR-DAY" and inserting "45- CALENDAR-DAY".
3. Amend page 2, line 13, after "procedure" by striking out the balance of the sentence and inserting a period.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5576, entitled

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

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 8, line 4, after "review" by inserting "for an adverse determination issued before the service is provided to a covered person".
2. Amend page 8, line 6, after "(a)" by striking out the balance of the line and inserting "A".
3. Amend page 8, line 7, after "of" by inserting "all of".
4. Amend page 9, following line 17, by inserting:
“(4) The written notice of the right to request an external review for an adverse determination issued after the service was provided to the covered person shall be in plain English, shall include the standard external review procedures information required in subsection (3), and shall be provided to the covered person in the manner prescribed by the commissioner.”.
5. Amend page 15, line 24, after "7" by inserting "business".
6. Amend page 29, line 3, after "violation." by striking out the balance of the subdivision.
7. Amend page 29, following line 9, by inserting:
“(2) If the commissioner finds that a health carrier has deliberately refused to pay for a covered benefit, the commissioner may order any of the following:
(a) For a first offense, payment of a civil fine of not more than \$25,000.00 and recovery of the cost of the investigation.
(b) For a second offense, payment of a civil fine of not more than \$50,000.00 and recovery of the cost of the investigation.
(c) For a third or subsequent offense or if the commissioner determines that the health carrier has deliberately engaged in a pattern of refusing to pay for a covered benefit, both of the following:
(i) The greater of the following:
(A) Payment of a civil fine of not more than \$280,000.00.
(B) Payment of a civil fine which shall be the amount of the health carrier's total liability for the covered benefits denied.
(ii) Recovery of the cost of the investigation.
(3) A fine collected under this section shall be placed in the cancer clinical trials fund created in subsection (7).” and renumbering the remaining subsections.
8. Amend page 29, line 24, after "both." by striking out the balance of the subsection.

9. Amend page 30, following line 3, by inserting:

“(7) The cancer clinical trials fund is created as a separate fund in the state treasury. The money in the fund shall be used as provided in this subsection. The state treasurer shall credit to the cancer clinical trials fund all fines collected under this section. The state treasurer may invest money in the fund in any manner authorized by law for the investment of state money, and earnings shall be credited to the fund. Money may be appropriated from the fund to hospitals, outpatient oncology centers, and other facilities located in this state involved in national institutes of health phase III or IV cancer clinical trials that apply for fund money to partially defray costs of patient participation in cancer clinical trials not covered by pharmaceutical manufacturers or health carriers. Money may be appropriated from the fund in amounts that shall not exceed \$5,000.00 per facility per year. Money in the cancer clinical trials fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.”.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, May 30, 2000, at 3:00 p.m., Room 100, Farnum Building

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

Scheduled Meetings

Families, Mental Health and Human Services - Monday, June 5, 2:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-3543)

Farming, Agribusiness and Food Systems - Wednesday, June 7, 8:30 a.m., Room 810, Farnum Building (373-1725)

Hunting, Fishing and Forestry - Monday, June 5, 7:00 p.m., Shelby Township Board Room, 52700 Van Dyke, Shelby Township (373-7670)

Technology and Energy - Tuesday, June 6, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 2:59 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, June 6, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.