

**No. 75**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, December 6, 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—excused  
Johnson—present  
Koivisto—present  
Leland—excused  
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—present  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—excused  
Young—present

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

Dear God, grant us the serenity to accept the things we cannot change, courage to change the things we can, and wisdom to know the difference. Amen.

### **Motions and Communications**

Senators A. Smith, Byrum and Murphy entered the Senate Chamber.

Senator Rogers moved that Senators Gougeon, Gast, Dunaskiss and Johnson be temporarily excused from today's session.

The motion prevailed.

Senator Rogers moved that Senator Jaye be excused from today's session.

The motion prevailed.

Senator V. Smith moved that Senator Young be temporarily excused from today's session.

The motion prevailed.

Senator V. Smith moved that Senators Leland and Vaughn be excused from today's session.

The motion prevailed.

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senators Schwarz and DeGrow admittance to the Senate floor.

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

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

### **Recess**

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

The motion prevailed, the time being 10:05 a.m.

10:09 a.m.

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

During the recess, Senator DeGrow introduced to the Senate the St. Clair County Community College Women's Volleyball Team, National Junior College Athletic Association Champions, and presented a special tribute to coach Terry Ganble acknowledging their outstanding accomplishments.

Coach Ganble responded briefly.

During the recess, Senators Koivisto, Johnson, Young, McManus and Emerson entered the Senate Chamber.

The following communication was received:

Office of the Auditor General

December 5, 2000

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

Financial Audit, Including the Provisions of the Single Audit Act, of the Department of Natural Resources, October 1, 1997, through September 30, 1999.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, December 5:  
**House Bill Nos. 4383 4384 4828 4830 4983 5585 5586 6139 6153**

Senators Dunaskiss, Gast and Gougeon entered the Senate Chamber.

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 Dingell 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. 5036, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending sections 9, 11a, and 40 (MCL 125.279, 125.281a, and 125.310), section 40 as added by 1996 PA 570, and by adding section 3a.

**House Bill No. 5037, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," by amending sections 9, 11a, and 40 (MCL 125.209, 125.211a, and 125.240), section 40 as added by 1996 PA 569, and by adding section 3a.

**House Bill No. 5706, entitled**

A bill to amend 1929 PA 199, entitled "An act to authorize and empower villages and townships of this state having a population not exceeding 10,000 inhabitants, to levy a tax for the maintenance or the purchase of lands and maintenance of property for a community center for the benefit of the public, provided the question of such purchase or maintenance, or both purchase and maintenance, as the case may be, is submitted to the duly qualified voters of such villages or townships and is adopted by a majority vote of those participating in said election; and to prescribe penalties and provide remedies," by amending sections 3 and 5 (MCL 123.43 and 123.45).

**House Bill No. 5843, entitled**

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of supervisors with respect thereto," by amending the title and section 1 (MCL 46.351), section 1 as amended by 1990 PA 84.

**House Bill No. 5952, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 3 (MCL 46.3), as amended by 1998 PA 97.

**Senate Bill No. 1314, entitled**

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending sections 1 and 2 (MCL 691.1501 and 691.1502), section 1 as amended by 1987 PA 30.

**House Bill No. 5672, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 7c.

**House Bill No. 5256, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 1994 PA 64.

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

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

**House Bill No. 4596, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 3, following line 18, by inserting:

"(iv) THE UNIQUE NEEDS AND CONSTRAINTS OF COMMUNITIES LOCATED ADJACENT TO THE BORDER OF THIS STATE AND ANOTHER STATE IN A STATEWIDE TRAUMA CARE DELIVERY SYSTEM. THE COMMISSION SHALL MAKE SPECIFIC RECOMMENDATIONS ON HOW TO GET EMERGENCY MEDICAL SERVICES TO SUCH COMMUNITIES AS QUICKLY AS POSSIBLE AND ON CRITERIA FOR DETERMINING WHEN IT IS APPROPRIATE FOR MICHIGAN EMERGENCY MEDICAL SERVICES PERSONNEL TO RESPOND AND WHEN IT IS APPROPRIATE FOR EMERGENCY MEDICAL SERVICES PERSONNEL FROM THE BORDERING STATE TO RESPOND."

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

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

**House Bill No. 4525, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520d, and 520e (MCL 750.520a, 750.520d, and 750.520e), section 520a as amended by 1983 PA 158 and sections 520d and 520e as amended by 1996 PA 155, and by adding section 520n.

Substitute (S-5).

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. 5925, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 120a (MCL 750.120a).

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. 5929, entitled**

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

Substitute (S-1).

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

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

**House Bill No. 5930, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 122.

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. 5932, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 119 (MCL 750.119).

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. 5255, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1312 (MCL 380.1312), as amended by 1995 PA 289.

Substitute (S-1).

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

1. Amend page 3, line 12, after "academy." by inserting "THIS SUBSECTION DOES NOT LIMIT A SCHOOL BOARD'S OR PUBLIC SCHOOL ACADEMY'S AUTHORITY TO DISCIPLINE AN EMPLOYEE FOR A VIOLATION OF ITS OWN POLICIES."

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

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

**House Bill No. 6091, entitled**

A bill to amend 1988 PA 234, entitled "Michigan Vietnam veterans memorial act," by amending the title and sections 2 and 5 (MCL 35.1052 and 35.1055), section 5 as amended by 1992 PA 122, and by adding section 5a.

Substitute (S-1).

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

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

**Senate Bill No. 1174, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

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.

### Recess

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

The motion prevailed, the time being 10:54 a.m.

11:02 a.m.

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

During the recess, Senator Schwarz introduced to the Senate the Grand Ledge High School Comets Football Team, Michigan High School Athletic Association Division 1 State Champions, and presented Senate Resolution No. 223 to head coach Patrick O'Keefe.

Coach O'Keefe responded briefly.

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 Dingell 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. 4937, entitled**

A bill to provide for the regulation of contracts between persons publicly performing or broadcasting copyrighted nondramatic musical works under certain circumstances; to provide for recognition of certain agents and employees of performing rights societies; to impose certain fees; to provide for certain powers and duties for certain state agencies and departments; and to prescribe penalties and provide remedies.

**House Bill No. 5907, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 102 and 103 (MCL 487.3102 and 487.3103).

**House Bill No. 5908, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 209, 210, 213, and 214 (MCL 487.3209, 487.3210, 487.3213, and 487.3214).

**House Bill No. 5909, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending sections 303, 307, 313, 314, 316, 317, 321, 322, 324, 325, 326, 327, 328, 334, 335, 336, 401, 409, 412, 413, 417, 422, 428, 430, 432, 501, 508, 701, 703, 705, 706, 708, 709, 710, 711, 712, 713, 715, and 804 (MCL 487.3303, 487.3307, 487.3313, 487.3314, 487.3316, 487.3317, 487.3321, 487.3322, 487.3324, 487.3325, 487.3326, 487.3327, 487.3328, 487.3334, 487.3335, 487.3336, 487.3401, 487.3409, 487.3412, 487.3413, 487.3417, 487.3422, 487.3428, 487.3430, 487.3432, 487.3501, 487.3508, 487.3701, 487.3703, 487.3705, 487.3706, 487.3708, 487.3709, 487.3710, 487.3711, 487.3712, 487.3713, 487.3715, and 487.3804), section 401 as amended by 1996 PA 422, section 422 as amended by 2000 PA 63, and section 508 as amended by 1997 PA 50, and by adding sections 330a, 711a, and 712a; and to repeal acts and parts of acts.

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

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

**Senate Bill No. 1408, entitled**

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, 3, and 4 (MCL 28.211, 28.212, 28.213, and 28.214), section 4 as amended by 1998 PA 459, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 6, line 7, after "network" by inserting "OR THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM".

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

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

**House Bill No. 5782, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 1999 PA 90.

Substitute (S-4).

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

1. Amend page 2, line 33, after "Pub saf" by striking out "F" and inserting "G".

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

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

**House Bill No. 6052, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411s. Substitute (S-1).

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

1. Amend page 2, line 27, after the second "SECTION" by striking out "411H OR 411I" and inserting "145D, 411H, OR 411I, OR SECTION 6 OF 1979 PA 53, MCL 752.796".

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

"(6) THIS SECTION DOES NOT PROHIBIT CONSTITUTIONALLY PROTECTED SPEECH OR ACTIVITY." and renumbering the remaining subsections.

3. Amend page 6, following line 12, by inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2001."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4552, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

Substitute (S-1).

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

1. Amend page 1, line 3, after "5070." by inserting "(1)".
2. Amend page 1, following line 8, by inserting:

"(2) THIS CHAPTER DOES NOT APPLY TO ARBITRATION IN A DOMESTIC RELATIONS MATTER IF, BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS CHAPTER, THE COURT HAS ENTERED AN ORDER FOR ARBITRATION AND ALL THE PARTIES HAVE EXECUTED THE ARBITRATION AGREEMENT."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4615, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5778, entitled**

A bill to amend 1991 PA 190, entitled "An act to provide for the direct deposit of state employee payrolls, state university payments, and state retirement benefit payments into financial institutions; to allow any financial institution to participate in a state employee payroll deduction program; and to prescribe the powers and duties of certain state agencies and officials," by amending sections 2, 3, and 5 (MCL 487.2102, 487.2103, and 487.2105), section 5 as added by 1993 PA 100.

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. 5668, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 501 and 906 (MCL 436.1501 and 436.1906), section 501 as amended by 1998 PA 416 and section 906 as added by 1998 PA 391.

Substitute (S-1).

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

1. Amend page 5, following line 21, by inserting:

"Sec. 903. (1) The commission or any commissioner or duly authorized agent of the commission designated by the chairperson of the commission, upon due notice and proper hearing, may suspend or revoke any license upon a violation of this act or any of the rules promulgated by the commission under this act. The commission or any commissioner or duly authorized agent of the commission designated by the chairperson of the commission, may assess a penalty of not more than \$300.00 for each violation of this act or rules promulgated under this act, or not more than \$1,000.00 for each violation of section 801(2), in addition to or in lieu of revocation or suspension of the license, which penalty shall be paid to the commission and deposited with the state treasurer and shall be credited to the general fund of the state. The commission shall hold a hearing and order the suspension or revocation of a license if the licensee has been found liable for 3 or more separate violations of section 801(2) which violations occurred on different occasions within a 24-month period UNLESS SUCH VIOLATIONS FOR THE SALE, FURNISHING, OR GIVING ALCOHOLIC LIQUOR TO A MINOR WERE DISCOVERED BY THE LICENSEE AND DISCLOSED TO AN APPROPRIATE LAW ENFORCEMENT AGENCY IMMEDIATELY UPON DISCOVERY.

(2) The commission shall provide a procedure by which a licensee who is aggrieved by any penalty imposed under subsection (1) and any suspension or revocation of a license ordered by the commission, a commissioner, or a duly authorized agent of the commission may request a hearing for the purpose of presenting any facts or reasons to the commission as to why the penalty, suspension, or revocation should be modified or rescinded. Any such request shall be in writing and accompanied by a fee of \$25.00. The commission, after reviewing the record made before a

commissioner or a duly authorized agent of the commission, may allow or refuse to allow the hearing in accordance with the commission's rules. The right to a hearing provided in this subsection, however, shall not be interpreted by any court as curtailing, removing, or annulling the right of the commission to suspend or revoke licenses as provided for in this act. A licensee does not have a right of appeal from the final determination of the commission, except by leave of the circuit court. Notice of the order of suspension or revocation of a license or of the assessment of a penalty, or both, shall be given in the manner prescribed by the commission. The suspension or revocation of a license or the assessment of a penalty, or both, by the commission or a duly authorized agent of the commission does not prohibit the institution of a criminal prosecution for a violation of this act. The institution of a criminal prosecution for a violation of this act or the acquittal or conviction of a person for a violation of this act does not prevent the suspension or revocation of a license or the assessment of a penalty, or both, by the commission. In a hearing for the suspension or revocation of a license issued under this act, proof that the defendant licensee or an agent or employee of the licensee demanded and was shown, before furnishing any alcoholic liquor to a minor, a motor vehicle operator or chauffeur license or a registration certificate issued by the federal selective service, or other bona fide documentary evidence of majority and identity of the person, may be offered as evidence in a defense to a proceeding for the suspension or revocation of a license issued under this act. A licensee who has reason to believe that a minor has used fraudulent identification to purchase alcoholic liquor in violation of section 703 shall file a police report concerning the violation with a local law enforcement agency and shall also present the alleged fraudulent identification to the local law enforcement agency at the time of filing the report if the identification is in the possession of the licensee. The commission may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, regarding the utilization by licensees of equipment designed to detect altered or forged driver licenses, state identification cards, and other forms of identification.

(3) In addition to the hearing commissioners provided for in section 209, the chairperson of the commission may designate not more than 2 duly authorized agents to hear violation cases. A person appointed under this subsection shall be a member in good standing of the state bar of Michigan.

(4) A duly authorized agent who has been designated by the chairperson pursuant to subsection (3) shall have, in the hearing of violation cases, the same authority and responsibility as does a hearing commissioner under this act and the rules promulgated under this act.

(5) A duly authorized agent who has been designated by the chairperson pursuant to subsection (3) shall be ineligible for appointment to the commission for a period of 1 year after the person ceases to serve as a duly authorized agent."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5917, entitled**

A bill to amend 1968 PA 330, entitled "Private security guard act of 1968," by amending the title and sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 14, 17, 18, 19, 22, 25, 29, 30, 31, 32, and 33 (MCL 338.1051, 338.1052, 338.1053, 338.1054, 338.1056, 338.1057, 338.1058, 338.1059, 338.1060, 338.1061, 338.1064, 338.1067, 338.1068, 338.1069, 338.1072, 338.1075, 338.1079, 338.1080, 338.1081, 338.1082, and 338.1083), sections 6, 10, 17, and 18 as amended by 1994 PA 326; and to repeal acts and parts of acts.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4779, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as added by 1998 PA 317.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1363, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289.

Substitute (S-3).

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. 5928, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 483a. Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5998, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 54, 57, 61, 62, and 63 (MCL 389.54, 389.57, 389.61, 389.62, and 389.63).

Substitute (S-5).

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

1. Amend page 8, line 8, after "ANNEXED," by striking out "OR" and inserting "AND".
2. Amend page 11, line 2, after "SECTION" by striking out "61(2)" and inserting "41(2)".
3. Amend page 15, line 1, after "annexed," by striking out "OR" and inserting "AND".

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.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 5028, entitled**

A bill to designate the part of highway I-75 located in Monroe county as the "Medal of Honor Recipient and American Legion Memorial Highway"; and to prescribe certain duties of the state transportation department.

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. 758**

**Yeas—34**

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

**Nays—0**

**Excused—3**

Jaye	Leland	Vaughn
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**Not Voting—1**

Smith, A.

In The Chair: Schwarz

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

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

The following bill was read a third time:

**House Bill No. 5940, entitled**

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 18 (MCL 224.18), as amended by 1996 PA 218.

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. 759**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Jaye	Leland	Smith, A.	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

Senator A. Smith entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5996, entitled**

A bill to name a certain portion of highway M-59 and a certain portion of highway M-36 the "Korean War 50th Anniversary Memorial Highway"; and to prescribe certain duties of the state transportation department.

The question being on the passage of the bill,

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

**Roll Call No. 760****Yeas—34**

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

**Nays—0****Excused—3**

Jaye	Leland	Vaughn
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**Not Voting—1**

Steil

In The Chair: Schwarz

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

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

The motion prevailed.

Senator Rogers' statement is as follows:

I just wanted to briefly comment that this designates portions of Livingston County highways as the Korean War Memorial Highway in celebrating its 50th anniversary. My father is a Korean War veteran, and to all of those who serve, I know that Walter North in this chamber is a Korean War veteran, as well, I just wanted to stand up and urge the body to support this very, very fine amendment. It is a small token to stand and remember not only those who served and came home, but to some 30,000 Korean War veterans who died in defense of liberty for our country during the Korean War conflict. And again, I would urge this body's strong support.

Senator A. Smith stated that had she been present when the votes were taken on the passage of the following bills, she would have voted "yea":

**House Bill No. 5028**

**House Bill No. 5940**

The following bill was read a third time:

**House Bill No. 6031, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 761****Yeas—35**

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

**Nays—0****Excused—3**

Jaye	Leland	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

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

**House Bill No. 5951, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 2000 PA 150.

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. 762****Yeas—35**

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

**Nays—0****Excused—3**

Jaye	Leland	Vaughn
------	--------	--------

**Not Voting—0**

In The Chair: Schwarz

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

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

“An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4803, entitled**

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328, 391, 392, 393, 395, 421, 422, 423, 425, 428, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 485, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 622, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277, 280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.428, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.485, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.622, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, section 280 as amended by 1983 PA 176, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 36, 53a, 55, 56, 57, 58, 59, 60, 61, 62, 63, 103a, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 275a, 277a, 329, 330, 467a, 474a, 500, 519a, 615, 616, and 617; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Sikkema offered the following amendment:

1. Amend page 12, following line 18, by inserting:

“(5) A PERSON WHO DISCHARGES WATER TO A DRAIN PURSUANT TO A PERMIT ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY OR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IS EXEMPT FROM ANY ASSESSMENT UNDER THIS ACT FOR A DRAIN PROJECT WHOSE PRIMARY PURPOSE IS TO MEET THE WATER QUALITY STANDARDS IN THE PERMIT.”.

The question being on the adoption of the amendment,

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

The motion prevailed.

By unanimous consent the Senate returned to the order of

**Messages from the House****Senate Bill No. 453, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 44 (MCL 211.44), as amended by 1996 PA 57.

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.

**Senate Bill No. 633, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 1996 PA 303.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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. 634, entitled**

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

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 279.

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

**Senate Bill No. 1337, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Jackson county in exchange for certain other parcels in Jackson county; to prescribe certain conditions for that exchange; and to provide for certain powers and duties of the department of management and budget, the department of corrections, and the attorney general in regard to that exchange.

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

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

A bill to authorize the state administrative board to convey certain state owned property in Jackson county in exchange for certain other parcels in Jackson county; to prescribe certain conditions for that exchange; to provide for certain powers and duties of the department of management and budget, the department of corrections, and the attorney general in regard to that exchange; and to authorize the department of natural resources to convey certain state owned property in the county of Charlevoix.

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

**Senate Bill No. 1324, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 244 (MCL 257.244), as amended by 1992 PA 306.

The House of Representatives has amended the bill as follows:

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

“(2) A PRODUCER OF A VEHICLE SUBCOMPONENT SYSTEM ESSENTIAL TO THE OPERATION OF THE VEHICLE OR THE SAFETY OF AN OCCUPANT MAY OPERATE OR MOVE A MOTOR VEHICLE UPON A STREET OR HIGHWAY SOLELY TO TRANSPORT OR TEST THE SUBCOMPONENT SYSTEM IF THE MOTOR VEHICLE DISPLAYS, IN THE MANNER PRESCRIBED IN SECTION 225, 1 SPECIAL PLATE APPROVED BY THE SECRETARY OF STATE. TO BE ELIGIBLE FOR THE SPECIAL PLATE, THE SUBCOMPONENT SYSTEM PRODUCER MUST BE EITHER A RECOGNIZED SUBCOMPONENT SYSTEM PRODUCER OR MUST BE A SUBCOMPONENT SYSTEM PRODUCER UNDER CONTRACT WITH A VEHICLE MANUFACTURER.”

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. 765, entitled**

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending sections 1, 4, and 20 (MCL 125.581, 125.584, and 125.600), section 1 as amended by 1995 PA 36 and section 20 as added by 1996 PA 571.

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

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

A bill to amend 1921 PA 207, entitled “An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments,” by amending sections 4 and 20 (MCL 125.584 and 125.600), section 20 as added by 1996 PA 571, and by adding section 1a.

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

#### **Senate Bill No. 764, entitled**

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending sections 9 and 151 (MCL 259.9 and 259.151), as amended by 1996 PA 370.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

#### **Senate Bill No. 635, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1f of chapter IX (MCL 769.1f), as added by 1998 PA 345.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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.

By unanimous consent the Senate returned to the order of

#### **Third Reading of Bills**

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

#### **House Bill No. 4803, entitled**

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328,

391, 392, 393, 395, 421, 422, 423, 425, 428, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 485, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 622, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277, 280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.428, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.485, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.622, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, section 280 as amended by 1983 PA 176, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 36, 53a, 55, 56, 57, 58, 59, 60, 61, 62, 63, 103a, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 275a, 277a, 329, 330, 467a, 474a, 500, 519a, 615, 616, and 617; and to repeal acts and parts of acts.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 2013.)

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

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

Senator Cherry offered the following amendments:

1. Amend page 5, line 3, after "MEANS" by striking out the balance of the subdivision and inserting "A WATER COMMISSIONER."

2. Amend page 10, following line 3, by inserting:

"(X) "WATER COMMISSIONER" MEANS 1 OF THE FOLLOWING:

(i) THE ELECTED COUNTY DRAIN COMMISSIONER OR THE PERSON OR PERSONS DESIGNATED TO PERFORM THE DUTIES OF THE ELECTED COUNTY DRAIN COMMISSIONER AS PROVIDED BY THIS ACT.

(ii) A PUBLIC WORKS COMMISSIONER DESCRIBED IN SECTION 21.

(iii) THE OFFICIAL OR BODY LAWFULLY DESIGNATED BY CHARTER TO EXERCISE THE POWERS AND PERFORM THE DUTIES OF A COUNTY DRAIN COMMISSIONER IN A COUNTY ORGANIZED UNDER 1966 PA 293, MCL 45.501 TO 45.521."

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

Senator Shugars offered the following amendment:

1. Amend page 24, following line 26, by inserting:

"(4) AN ELECTION MAY BE HELD TO ABOLISH THE OFFICE OF COUNTY DRAIN COMMISSIONER. TO INITIATE THE ELECTION, PETITIONS SIGNED BY A NUMBER OF REGISTERED ELECTORS NOT LESS THAN 5 PERCENT OF THE TOTAL VOTE CAST FOR ALL CANDIDATES FOR GOVERNOR AT THE LAST PRECEDING GENERAL ELECTION IN THAT COUNTY AT WHICH A GOVERNOR WAS ELECTED SHALL BE REQUIRED. THE PETITIONS SHALL BE FILED IN THE OFFICE OF THE COUNTY CLERK. THE ELECTION SHALL BE HELD AT THE NEXT PRIMARY OR GENERAL ELECTION. THE QUESTION PRESENTED TO THE VOTERS SHALL BE, "SHALL THE OFFICE OF DRAIN COMMISSIONER BE ABOLISHED AND ITS POWERS AND DUTIES TRANSFERRED TO THE COUNTY ROAD COMMISSION?" " and renumbering the remaining subsections.

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

Senator Shugars requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

### Roll Call No. 763

### Yeas—13

Bullard  
DeGrow  
Emmons  
Gast

Goschka  
Gougeon  
Hammerstrom

Hoffman  
Koivisto  
McManus

Schwarz  
Stille  
Young



**Nays—22**

Bennett	Emerson	North	Sikkema
Byrum	Hart	Peters	Smith, A.
Cherry	Johnson	Rogers	Smith, V.
DeBeaussaert	McCotter	Schuette	Steil
Dingell	Miller	Shugars	Van Regenmorter
Dunaskiss	Murphy		

**Excused—3**

Jaye	Leland	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

**Protests**

Senators Miller, Cherry and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4803.

Senator Miller's statement is as follows:

I come from an area in southeast Michigan, and my senatorial district does not border Lake St. Clair. Over the summer one of the most damaging things we heard just about every day in the news media, in print and in electronic, was the dangers about the beaches along southeast Michigan being closed because the E. coli threats and the massive problems we have had with drainage runoff.

I am glad to see that the public now is taking such a very active and demanding voice to make sure that the quality of water is preserved in this new century. I voted against this bill because I didn't feel we went far enough in protecting the environment and protecting the rights and the water quality of this great state. We are known across the country and in the universe for the quality of Michigan lakes and streams, and I think we have serious problems.

I disagreed with the great speaker from the Thumb area, I believe Senator Gougeon, because I received probably more letters from residents in Saginaw and Huron Counties protesting this piece of legislation than I did from some of my own constituents about the concerns about Lake Huron, Lake Michigan, Lake St. Clare, the Detroit River, and I also had calls from my drain commissioner, who's been working tirelessly to make sure that the quality of water in Macomb County is preserved and protected. He was opposed to this piece of legislation, and I really don't believe all the good efforts that we put in to pass quality legislation here that a bill of this magnitude, affecting so many gallons of water and the quality for our residents, that we would even think about trying to call a conference committee to put a bill of this magnitude together in the wee hours of the night or the morning and try and pass to make good law. Michigan lakes and streams have been here for centuries, and I want to see them stay here for centuries. Let's spend a little more time to pass a good, quality drain bill that will affect the quality of water for all residents in Michigan.

Senators Cherry and A. Smith moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

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

I rise to urge a "no" vote on the drain code, and I think for a number of substantive reasons and for a basic, broad, and general reason. On the question of substance, it seems to me the draft that is before us is one that has, as good as the Senator said, been in the works for six years. It has come to us after substantial work by the House, but then substantial amendments here in the Senate. This version that is before us, there still remains a number of problems. For instance, there is no independent audit of drain funds, and the only accounting under the law is to file an annual report. There is no public vote on an assessment of new taxes given the Headlee Amendment. The drain commissioner has a sole discretion to determine the scope of a project, and there is no statutory guidance in this draft of the allocation of drain taxes that would provide protection to the taxpayer.

There are a number of environmental concerns with this draft. The key laws protecting wetlands, rivers, and streams have loopholes that exempt the drains from their coverage, and they have not attempted to include in this package legislation to reverse that situation. There has been an increasing trend of dealing with waterways on a watershed basis, yet this drain code continues to deal with waterways based on the artificial basis of county lines. Additionally, provisions in the bill to have drain commissioners consider the impact of drain projects on the environment were weak and lack any forceable meanings. In fact, this bill prevents the assessment of drain taxes for the purposes of preserving or enhancing natural resource values, meaning such work would have to be paid for from outside sources; in most cases, a rather unlikely event.

When you combine these technical, substantive concerns with a very general concern, historically we have treated this issue as drain of water, and in fact, when this code was first put into effect a number of years ago, that was the issue. How do you drain water from land that may have use in agricultural purpose or use in a commercial purpose or use in a residential purpose? But as time has marched forward, we have begun to realize that water is not simply to be drained, that in fact, there are purposes for preserving water in its location. There are purposes to manage water, not just drain it.

Since we have before us a missed opportunity—a missed opportunity in the sense that we could historically begin to launch Michigan in the direction of managing our water in a reasonable way that benefits agricultural enterprises, in a way that benefits commercial enterprises, in a way that benefits residential enterprises, and in ways that benefit the environment, this could be a win-win situation if you begin to look at the issue in a broad perspective. The bill misses that opportunity, and until it deals with that question, I did vote “no.”

Senator A. Smith’s statement is as follows:

I rise to oppose passage of this bill. I understand all of the work that’s gone into this process and all of the effort and all of the education. I worked on polluters pay that took us seven years to get through the Legislature. It was a process and a long, drawn-out one of educating the legislators on what had to happen in order to make that bill work.

We’ve talked about the amendments that went into the bill, and we look at one amendment in particular, an amendment that was offered by the Senator from the 31st that essentially said if you have a national pollution emission permit—pollution elimination permit—to discharge your polluted water, which is generally below federal standards, into a stream or drain, then you can’t be assessed for the clean-up. Now you’ve got a free permit to pollute, but you can’t be assessed by the drain commissioner to help with the clean-up of the pollutant you are putting into the system.

We talk about moving the process ahead so that it can be continued to be worked on and fixed, but what we do in conference is generally fix it, so you pick up the nine votes you need on the majority side, and we lose out in the fix. So I urge us to stop this process right here. If we need to work on this on a continuing basis, we do it in the next session where we have time to get this job done and get it done right; where the sides are definitely heard with their concerns; and we don’t just bail on all the environmental issues in order to make sure that we get nine votes on the majority side of the aisle. I urge a “no” vote.

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

The motion prevailed.

Senator McManus’ statement is as follows:

I rise to support this bill. It’s a House bill introduced by Representative Green. It’s a bill that has been at least six years in the making. There have been a number of hearings in the House and some here in the Senate. There have been plenty of time for people to analyze what’s been happening.

Apparently, the subject is fairly controversial; it is a 268-page bill. So I would expect that there will be some disagreements between parts of it. The question is not one of do you disagree or not disagree or whatever. The question is do you want to operate under the present drain code, or do you want to operate under this new improved drain code? The old drain code that we operate under, something in the neighborhood of 1954, was the last time it was revamped. This drain code was worked on for several years here as bringing the drain code of Michigan up-to-date. We believe from what we have seen, although it is not a perfect bill, it’s an improvement over the old bill. It does increase environmental protections. It increases due process for the citizens, and it increases their involvement.

Now, in the House this bill passed 103-5. It was nearly unanimous support for doing something about the drain code. For some reason here in the Senate, that could be several things I guess. There seems to be some controversy on the bill. We have had a series of amendments from various Senators feeling that they improved the bill from the House version. I would expect, although I don’t have a crystal ball, that when this bill passes and goes back to the House, it would be highly unlikely that we would get concurrence with the bill as it is presently drawn. That means the bill would go to a conference committee, and a conference committee would work out the differences between the House and the Senate and bring us back a conference report if they can come to some kind of agreement that we would vote on at that time. I would urge this body to support the bill, as amended, with that thought in mind. Send it to the House, and let them take a look at it. If they concur, we are in business. If they don’t concur, then it will go to conference which I would think is probably what will happen, and come back with a final version that the two Houses can agree on.

It seems to me that it would be very damaging to this body and to the state of Michigan if we dropped the ball on this bill at the present time. I am going to urge a "yes" vote. With those thoughts in mind, I hope that we will all move this House bill forward.

Senator Rogers' statement is as follows:

We're very fortunate today, with kind of mixed emotions here. As in most of the Senators' offices, you encounter interns who come into your office and who are eager to help and do so in varying degrees of helpfulness. I have two who are so outstanding my staff came to me after a very short time they were both in my office and said, "This office will not function if these two people don't come aboard." So these people went from interns to part-time employees in our office, and they continued to go to school at Michigan State University.

I tell you when we broadened our horizons here in our office, our constituent workload quadrupled about overnight. Without the help of these two individuals, we can say hundreds and hundreds of citizens in the mid-Michigan area would not have received help. I am very, very fortunate to wish them well in their future endeavors. These are two very, very talented individuals who I am very, very thankful chose to spend some time in our office helping others, and I know that good work is not done.

I have with me today on the floor, Mr. President, Victoria Geddis from Owosso. She's been with my office two years now. She's a senior at Michigan State University, and Christina Henning, who is from Lapeer. She's been with us for a year. She is also a senior at Michigan State University.

I would ask my colleagues to please give a very warm send-off to two very talented people who have done a lot not only for just my office and my constituents, but a lot for the Senators and staff here in this chamber. I would like to say thank you very, very much from the bottom of my heart for all you've done.

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 Dingell as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, resumed the Chair.

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

**Senate Bill No. 1382, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 301.

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.

**Senate Bill No. 1380, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35b.

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.

**Senate Bill No. 1181, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 222a.

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.

**Senate Bill No. 1426, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 403 (MCL 550.1403).

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.

**Senate Bill No. 885, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 160 of chapter XVII (MCL 777.160), as added by 1998 PA 317.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 160 of chapter XVII (MCL 777.160), as amended by 2000 PA 279.

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

**Senate Bill No. 120, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 285.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 882, entitled**

A bill to create certain funds; to provide for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

**Senate Bill No. 1341, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 1998 PA 416.

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.

**Senate Bill No. 906, entitled**

A bill to amend 1974 PA 300, entitled “Motor vehicle service and repair act,” by amending section 10 (MCL 257.1310).

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.

**Senate Bill No. 1365, entitled**

A bill to authorize the department of management and budget to convey certain state owned property in the county of Jackson in exchange for certain other property in the county of Jackson.

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.

Senator Rogers moved that Senator Hoffman be excused from the balance of today’s session.

The motion prevailed.

The House of Representatives returned, in accordance with the request of the Senate

**House Bill No. 4711, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411 (MCL 750.411).

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was announced:

**House Bill No. 4711, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411 (MCL 750.411).

Senator Rogers moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

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

Senator Rogers moved to reconsider the vote by which the bill was passed.

On which motion Senator Rogers requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 764**

**Yeas—32**

Bennett

Byrum

Cherry

DeBeaussaert

DeGrow

Emmons

Gast

Goschka

Gougeon

Hammerstrom

McCotter

McManus

Miller

Murphy

North

Schwarz

Shugars

Sikkema

Smith, A.

Steil

Dingell  
Dunaskiss  
Emerson

Hart  
Johnson  
Koivisto

Peters  
Rogers  
Schuette

Stille  
Van Regenmorter  
Young

**Nays—1**

Smith, V.

**Excused—4**

Hoffman

Jaye

Leland

Vaughn

**Not Voting—1**

Bullard

In The Chair: Schwarz

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

The question being on the passage of the bill,

Senator Rogers moved to suspend rule 3.311 to permit reconsideration of the vote by which the amendment offered by Senator Van Regenmorter was adopted.

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

Senator Rogers moved to reconsider the vote by which the amendment offered by Senator Van Regenmorter was adopted.

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

The question being on the adoption of the amendment,

Senator Van Regenmorter withdrew the amendment.

Senator Van Regenmorter offered the following amendments:

1. Amend page 2, line 7, after "whereabouts," by inserting a comma.
2. Amend page 2, line 8, after "AND" by inserting "MAY STATE".
3. Amend page 3, line 20, by striking out "July 1, 2000" and inserting "April 1, 2001".

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

The question being on the passage of the bill,

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

**Roll Call No. 765**

**Yeas—33**

Bennett  
Byrum  
Cherry  
DeBeaussiaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Johnson  
Koivisto  
McCotter

McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette  
Schwarz

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

**Nays—0**

**Excused—5**

Bullard  
Hoffman

Jaye

Leland

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

**Senate Bill No. 260, entitled**

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 416b.

The House of Representatives has appointed Reps. Perricone, Rick Johnson and Kilpatrick as conferees to join with Senators DeGrow, Schwarz and Byrum.

The bill was referred to the Conference Committee on December 5, 2000.

**Senate Bill No. 261, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406n.

The House of Representatives has appointed Reps. Perricone, Rick Johnson and Kilpatrick as conferees to join with Senators DeGrow, Shugars and Byrum.

The bill was referred to the Conference Committee on December 5, 2000.

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

**Senate Bill No. 746, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20101b (MCL 324.20101b), as added by 1995 PA 71.

Substitute (H-1).

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

Substitute (S-1).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

**Roll Call No. 766**

**Yeas—33**

Bennett  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Johnson

McManus  
Miller  
Murphy  
North  
Peters  
Rogers

Shugars  
Sikkema  
Smith, A.  
Smith, V.  
Steil  
Stille

Dunaskiss  
Emerson  
Emmons

Koivisto  
McCotter

Schuetz  
Schwarz

Van Regenmorter  
Young

**Nays—0**

**Excused—5**

Bullard  
Hoffman

Jaye

Leland

Vaughn

**Not Voting—0**

In The Chair: Schwarz

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

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

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20101b (MCL 324.20101b), as amended by 2000 PA 65.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The Senate agreed to the full title.

**Senate Bill No. 752, entitled**

A bill to amend 1980 PA 307, entitled “Savings and loan act of 1980,” by amending sections 107, 700, and 800 (MCL 491.107, 491.700, and 491.800), section 107 as added and sections 700 and 800 as amended by 1987 PA 106. Substitute (H-1).

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

The substitute was concurred in, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 767**

**Yeas—32**

Bennett  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Emmons  
Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Johnson  
Koivisto

McCotter  
McManus  
Murphy  
North  
Peters  
Rogers  
Schuetz  
Schwarz

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

**Nays—0**

**Excused—5**

Bullard  
Hoffman

Jaye

Leland

Vaughn

**Not Voting—1**

Miller

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.

**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 (H-1).

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. 768**

**Yeas—33**

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

**Nays—0**

**Excused—5**

Bullard	Jaye	Leland	Vaughn
Hoffman			

**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.

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

The motion prevailed.

Senator Miller's statement is as follows:

Mr. President, had I been a little more alert, I would have liked to have voted on Senate Bill No. 752, a very good bill that deserved my vote. Unfortunately, I wasn't quick enough to push the button, and I was discussing other very important legislation.

I would like the Journal to reflect if I would have been quicker, I would have voted for that bill.

**Senate Bill No. 613, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 1996 PA 214.

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.

**Senate Bill No. 1170, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2971.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 6, by inserting:

"Enacting section 1. This amendatory act applies only to a cause of action arising on or after the effective date of this amendatory act."

The House of Representatives has passed the bill as amended 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. 859, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 667a.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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. 1388, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5314 (MCL 700.5314), as amended by 2000 PA 313.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 404, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

(For Conference Report, see Senate Journal No. 74, p. 1963.)

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

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

**Senate Bill No. 694, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006).

(For Conference Report, see Senate Journal No. 65, p. 1694.)

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

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

**Senate Bill No. 757, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 31 and 32 (MCL 552.631 and 552.632), as amended by 1996 PA 301.

The House of Representatives has appointed Rep. Switalski to replace Rep. Baird as conferee.

The message was referred to the Secretary for record.

### Conference Reports

Senator Bullard submitted the following:

#### FIRST CONFERENCE REPORT

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

**Senate Bill No. 757, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 31 and 32 (MCL 552.631 and 552.632), as amended by 1996 PA 301.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House and to the following amendments:

1. Amend page 2, line 8, after the first "SET" by striking out the balance of the line and inserting "AT NOT LESS THAN \$500.00 OR 25% OF THE ARREARAGE, WHICHEVER IS GREATER."

2. Amend page 4, following line 21, subsection (6), after "WITHIN" by striking out "72" and inserting "48".

3. Amend page 4, following line 21, enacting section 1, after "effect" by striking out "October 1, 2000" and inserting "April 1, 2001".

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

A bill to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody, and spouse support; to prescribe certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 31 and 32 (MCL 552.631 and 552.632), section 31 as amended by 1996 PA 301 and section 32 as amended by 1999 PA 160.

Bill Bullard, Jr.

Beverly S. Hammerstrom

Christopher D. Dingell

Conferees for the Senate

Andrew Richner

Marc Shulman

Michael Switalski

Conferees for the House

Pursuant to joint rule 9, the conference report was laid over one day.

The President, Lieutenant Governor Posthumus, assumed the Chair.

By unanimous consent the Senate returned to the order of

#### Third Reading of Bills

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

**House Bill No. 5710, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40117 and 40118 (MCL 324.40117 and 324.40118), as added by 1995 PA 57.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 1, line 9, by striking out all of section 40118 and inserting:

"Sec. 40118. (1) A person who violates this part, a department order authorized under section 40107, an interim order of the department, or a condition of a permit issued under this part, except for a violation specified in subsections (2) to (12), is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$50.00 or more than \$500.00, or both, and the costs of prosecution. In addition, a permit issued by the department under this part shall be revoked pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

(2) A person who violates a provision of this part, a department order authorized under section 40107, or an interim order of the department, regarding the possession or taking of all game, except deer, bear, wild turkey, moose, or elk, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(3) A person who violates a provision of this part, a department order authorized under section 40107, or an interim order of the department, regarding the possession or taking of deer, bear, or wild turkey is guilty of a misdemeanor, and shall be punished by imprisonment for not less than 5 days or more than 90 days, and a fine of not less than \$200.00 or more than \$1,000.00, and the costs of prosecution.

(4) A person who violates a provision of this part, a department order authorized under section 40107, or an interim order of the department, regarding the possession or taking of elk is guilty of a misdemeanor, punishable by imprisonment for not less than 30 days or more than 180 days, or a fine of not less than \$500.00 or more than \$2,000.00, or both, and the costs of prosecution.

(5) A person who violates a provision of this part, a department order authorized under section 40107, or an interim order of the department, regarding the possession or taking of moose is guilty of a misdemeanor, and shall be punished by imprisonment for not less than 90 days or more than 1 year and a fine of not less than \$1,000.00 or more than \$5,000.00, and the costs of prosecution.

(6) A person sentenced pursuant to subsection (3), (4), (5), (10), or (11) shall not secure or possess a license of any kind to hunt during the remainder of the year in which convicted and the next 3 succeeding calendar years. A person sentenced pursuant to subsection (7) shall not secure or possess a license to hunt during the remainder of the year in which convicted and the next succeeding calendar year.

(7) A person who violates section 40113(1) is guilty of a misdemeanor, punishable by imprisonment for not less than 5 days or more than 90 days, or a fine of not less than \$100.00 or more than \$500.00, or both, and the costs of prosecution.

(8) A person who violates section 40113(2) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$50.00 or more than \$500.00, or both, and the costs of prosecution.

(9) A person who violates section 40113(3) is guilty of a misdemeanor and shall be punished by imprisonment for not less than 5 days or more than 90 days and a fine of not less than \$100.00 or more than \$500.00, and the costs of prosecution.

(10) A person who violates a provision of this part, a department order authorized under section 40107, or an interim order of the department, regarding the taking or possession of an animal that has been designated by the department to be a protected animal, other than an animal that appears on a list prepared pursuant to section 36505, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(11) A person who buys or sells game or a protected animal in violation of this part is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both, for the first offense, and is guilty of a felony for each subsequent offense.

(12) If a person is convicted of a violation of this part, a department order authorized under section 40107, or an interim order of the department and it is alleged in the complaint and proved or admitted at trial or ascertained by the court after conviction that the person had been previously convicted 2 times within the preceding 5 years for a violation of this part, a department order authorized under section 40107, or an interim order of the department, the person is guilty of a misdemeanor, and shall be punished by imprisonment for not less than 10 days or more than 180 days, and a fine of not less than \$500.00 or more than \$2,000.00 and costs of prosecution.

(13) A person who violates ~~an order of the commission under this part is responsible for a state civil infraction and shall be fined not more than \$200.00~~ A COMMISSION ORDER UNDER THIS PART IS NOT SUBJECT TO A PENALTY UNLESS, AT THE TIME OF THE VIOLATION, THE ORDER HAD BEEN IN EFFECT FOR NOT LESS THAN 90 DAYS.

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

Senator Sikkema offered the following amendments:

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

"Sec. 40102. (1) "Animals" means wild birds and wild mammals.

(2) "Bag limit" means the number of animals that may be taken and possessed as determined by the department.

(3) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

(4) "Buy" or "sell" means an exchange or attempt or offer to exchange for money, barter, or anything of value.

(5) "Chase" means to follow animals with dogs or other wild or domestic animals trained for that purpose.

(6) "CROSSBOW" MEANS A WEAPON CONSISTING OF A BOW MOUNTED TRANSVERSELY ON A STOCK OR FRAME AND DESIGNED TO FIRE AN ARROW, BOLT, OR QUARREL BY THE RELEASE OF A BOW STRING WHICH IS CONTROLLED BY A MECHANICAL OR ELECTRIC TRIGGER AND HAS A WORKING SAFETY AND A DRAW WEIGHT OF 100 POUNDS OR GREATER.

(7) ~~(6)~~ "Deer or elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer or elk. Deer or elk feeding does not include any of the following:

(a) Feeding wild birds or other wildlife if done in such a manner as to exclude wild, free-ranging white-tailed deer and elk from gaining access to the feed.

- (b) The scattering of feed solely as the result of normal logging practices or normal agricultural practices.
- (c) The storage or use of feed for agricultural purposes if 1 or more of the following apply:
  - (i) The area is occupied by livestock actively consuming the feed on a daily basis.
  - (ii) The feed is covered to deter wild, free-ranging white-tailed deer or elk from gaining access to the feed.
  - (iii) The feed is in a storage facility that is consistent with normal agricultural practices.
- (d) Baiting to take game as provided by an order of the commission under section 40113a.
- (8) ~~(7)~~ "Disability" means a determinable physical characteristic of an individual that may result from disease, injury, congenital condition of birth, or functional disorder.
- (9) ~~(8)~~ "Feed" means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract white-tailed deer or elk. Feed does not include any of the following:
  - (a) Plantings for wildlife.
  - (b) Standing farm crops under normal agricultural practices.
  - (c) Agricultural commodities scattered solely as the result of normal agricultural practices.
- (10) ~~(9)~~ "Firearm" means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of a spring or air or gas."

2. Amend page 5, following line 10, by inserting:

"Enacting section 1. Section 40115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40115, is repealed effective on the date that the commission of natural resources issues an order under section 40113a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40113a, regulating the use of crossbows for hunting."

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

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

#### **House Bill No. 4383, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10102 and 10104 (MCL 333.10102 and 333.10104).

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

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

#### **House Bill No. 4384, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5506, 5507, and 5510 (MCL 700.1106, 700.5506, 700.5507, and 700.5510), section 1106 as amended by 2000 PA 54.

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

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

#### **House Bill No. 4828, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

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. 4830, entitled**

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

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. 4983, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

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. 5585, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 4a (MCL 290.644a), as added by 1986 PA 127.

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 Farming, Agribusiness and Food Systems.

**House Bill No. 5586, entitled**

A bill to repeal 1974 PA 181, entitled "An act to provide for the testing, condemnation and disposal of livestock and livestock products; to provide for the testing of certain livestock; to provide for the quarantine of certain livestock; to prescribe the conditions of condemnation; to provide for the indemnification of owners of quarantined or disposed livestock or livestock products; to provide for recovery of the costs of testing, condemnation, disposal, and indemnification; and to prescribe the powers and duties of the department of agriculture," (MCL 287.71 to 287.77).

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 Farming, Agribusiness and Food Systems.

**House Bill No. 6139, entitled**

A bill to name a certain portion of highway I-69 the "Pearl Harbor Memorial Highway"; and to prescribe certain duties of the state transportation department.

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 Transportation and Tourism.

**House Bill No. 6153, entitled**

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

By unanimous consent the Senate returned to the order of

**Resolutions**

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 227**

The resolution consent calendar was adopted.

Senators McManus, Gast, Rogers, Goschka, Gougeon, Schuette, Schwarz, North, Koivisto, Murphy, Emmons, Stille, Van Regenmorter, Hoffman and Sikkema offered the following resolution:

**Senate Resolution No. 227.**

A resolution honoring Jack Laurie as he retires from the Michigan Farm Bureau.

Whereas, Jack Laurie has been actively involved in agricultural issues his entire life; and

Whereas, Jack has served on the Farm Bureau Board of Directors since 1966, was the Farm Bureau vice president from 1977 to 1986, and served with distinction as the president of the Michigan Farm Bureau from 1986 through 2000; and

Whereas, During his tenure as president, Jack has received numerous awards, including an Honorary Doctor of Agriculture degree from Michigan State University and the 1999 Dairy Farmer of the Year award; and

Whereas, Jack Laurie has served the state of Michigan in several capacities, including the chairmanship of the Michigan State Fair Council, a member of the Michigan International Trade Coalition, and has served nationally, and most notably, as the vice president of the American Farm Bureau Federation's board of directors; and

Whereas, Mr. Laurie's active support of policy initiatives, particularly the Animal Agriculture Initiative, Project GREEN, and Proposal A, will have a lasting positive effect on Michigan agriculture; and

Whereas, Jack, with his wife Betty and their family, maintain strong agricultural roots through the operation of their dairy and cash crop farm in Tuscola County; and

Whereas, Jack Laurie has been a leader for Michigan agriculture and for the state of Michigan as a whole; now, therefore, be it

Resolved by the Senate, That this legislative body honor Jack Laurie upon his retirement from the Michigan Farm Bureau; and be it further

Resolved, That a copy of this resolution be transmitted to Jack Laurie as a reflection of our esteem for his efforts on behalf of Michigan agriculture.

Senators Emmons, Gast and McManus offered the following resolution:

**Senate Resolution No. 225.**

A resolution requesting the Governor to negotiate and conclude a tribal-state gaming compact with the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming by any person, organization, or entity; and

Whereas, The state of Michigan permits Class III gaming to be operated by nontribal entities under the Michigan Gaming Control and Revenue Act, the Initiated Law of 1996; and

Whereas, The federal Indian Gaming Regulatory Act of 1988 (IGRA) requires the state to negotiate in good faith for a tribal-state gaming compact with federally recognized Indian tribes that request a Class III gaming compact; and

Whereas, The Governor of the state of Michigan has negotiated tribal-state gaming compacts with eleven federally recognized Indian tribes, and the Michigan Legislature has approved these eleven compacts by concurrent resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, which is also referred to as the Gun Lake Band, is a federally recognized Indian tribe that has requested the state to negotiate and execute a tribal-state compact governing Class III gaming; and

Whereas, IGRA requires that the state negotiate in good faith with the Gun Lake Band for a Class III gaming compact and that the state offer to enter into a Class III gaming compact with the Gun Lake Band; now, therefore, be it

Resolved by the Senate, That, in accordance with the requirements of IGRA, we request the Governor to negotiate in good faith with the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) for a tribal-state compact governing Class III gaming on tribal lands located within Allegan County, and to enter into such a compact with the Gun Lake Band. After the compact is negotiated, we request that the Governor bring the tribal-state gaming compact back to the legislature for ratification; and be it further

Resolved, That copies of this resolution be transmitted to the office of the Governor, representatives of the Gun Lake Band, and the United States Secretary of the Interior.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

**Messages from the House**

**Senate Bill No. 1418, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109g. The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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. 769****Yeas—13**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Hart  
Koivisto

Miller  
Murphy  
Peters

Smith, A.  
Smith, V.  
Young

**Nays—18**

Bennett  
DeGrow  
Gast  
Goschka  
Gougeon

Hammerstrom  
Johnson  
McCotter  
McManus  
North

Rogers  
Schuette  
Schwarz  
Shugars

Sikkema  
Steil  
Stille  
Van Regenmorter

**Excused—5**

Bullard  
Hoffman

Jaye

Leland

Vaughn

**Not Voting—2**

Dunaskiss

Emmons

In The Chair: President

**Senate Bill No. 1419, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109f.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 5, after "DISORDER." by inserting "IF THE HEALTH CARE FINANCING ADMINISTRATION APPROVES THE WAIVER REQUESTED BY THE DEPARTMENT FOR MEDICAID-COVERED SPECIALTY SERVICES, INCLUDING MENTAL HEALTH,".

2. Amend page 1, line 9, after "109G." by inserting "QUALIFIED SPECIALTY PREPAID HEALTH PLANS SHALL BE EXISTING COMMUNITY MENTAL HEALTH SERVICES PROGRAMS OR OTHER NONPROFIT ENTITIES,".

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.

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 amendments made to the bill by the House,

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

**Roll Call No. 770****Yeas—13**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Hart  
Koivisto

Miller  
Murphy  
Peters

Smith, A.  
Smith, V.  
Young



**Nays—20**

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

**Excused—5**

Bullard	Jaye	Leland	Vaughn
Hoffman			

**Not Voting—0**

In The Chair: President

Senator Bullard entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

The following communication was received and read:  
Office of the Senate Majority Leader

December 6, 2000

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the conference committees on Senate Bills 1418 and 1419:

Senate Bill 1418	Senator Hammerstrom (Chair)
	Senator Johnson
	Senator A. Smith

Senate Bill 1419	Senator Hammerstrom (Chair)
	Senator Johnson
	Senator A. Smith

Sincerely,  
Dan L. DeGrow  
Senator Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Shugars' statement is as follows:

I'd like to thank all the colleagues and all the staff who helped out on Senate Bill No. 404. It took a little bit over four years to put that together. As you all know, it all started with the emergency medical services coordinating committee, which is a 26-member committee that worked on it and put together the recommendations. Then our staff person, Charlene McCallum, for the last four and a half years has been the point person in this. With her hard work and dedication and sometimes with a lot of frustration, I want to thank her for all her dedication in putting this bill together. Finally, it will be going to the Governor for his signature, and I'd like to thank her and have this in the Journal

to mention how hard she worked for that. Even though she's at Council of State Governments this week working for the state of Michigan, as you all know, I just want to make sure that everyone on the floor knows how much I appreciate her services.

### Committee Reports

The Committee on Finance reported

**House Bill No. 4373, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2, 8, 9f, 14, and 34c (MCL 211.2, 211.8, 211.9f, 211.14, and 211.34c), section 2 as amended by 1993 PA 313, section 8 as amended by 1983 PA 254, section 9f as amended by 1999 PA 20, and section 34c as amended by 1996 PA 476.

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. 4812, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 268.

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. 4852, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.

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

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

Joanne Emmons  
Chairperson

To Report Out:

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

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, December 5, 2000, at 2:34 p.m., 8th Floor Conference Room, Farnum Building

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Public hearing held on Monday, December 4, 2000, at 10:00 a.m., Room 810, Farnum Building

Present: Senator Sikkema (C)

Excused: Senators Dunaskiss, Gast, Peters and Young

**Scheduled Meetings****Conference Committees -**

**SB 1418** - Thursday, December 7, 8:45 a.m., Room 327, House Office Building (373-3543)

**SB 1419** - Thursday, December 7, 8:45 a.m., Room 327, House Office Building (373-3543)

**HB 4335** - Thursday, December 7, 9:15 a.m., Room 252, Capitol Building (373-1777)

**Government Operations** - Thursday, December 7, 1:00 p.m., Room 405, Capitol Building (373-1707)

**Human Resources, Labor, Senior Citizens and Veterans Affairs** - Tuesday, December 12, 11:00 a.m. or later immediately following session, Rooms 402 and 403, Capitol Building (373-2417)

**Legislative Council** - Thursday, December 7, 11:45 a.m., Rooms 402 and 403, Capitol Building (373-7708)

**Transportation and Tourism** - Thursday, December 7, 12:00 noon or later immediately following session, Room 100, Farnum Building (373-1758)

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 1:57 p.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, December 7, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

