

No. 72
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Wednesday, December 13, 2000.

10:00 a.m.

The House was called to order by Associate Speaker Pro Tempore Scranton.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Allen—present	Frank—present	Kuipers—present	Rivet—present
Baird—present	Garcia—present	LaForge—present	Rocca—present
Basham—excused	Garza—present	LaSata—present	Sanborn—e/d/s
Birkholz—present	Geiger—present	Law—present	Schauer—present
Bisbee—present	Gielegghem—present	Lemmons—e/d/s	Schermesser—present
Bishop—present	Gilbert—present	Lockwood—present	Scott—present
Bogardus—present	Godchaux—present	Mans—e/d/s	Scranton—present
Bovin—present	Gosselin—present	Martinez—present	Shackleton—present
Bradstreet—present	Green—present	Mead—present	Sheltrown—present
Brater—present	Hager—present	Middaugh—present	Shulman—present
Brewer—present	Hale—e/d/s	Minore—present	Spade—present
Brown, Bob—present	Hanley—present	Mortimer—present	Stallworth—e/d/s
Brown, Cameron—present	Hansen—present	Neumann—present	Stamas—present
Byl—present	Hardman—present	O’Neil—present	Switalski—present
Callahan—present	Hart—present	Pappageorge—present	Tabor—present
Cassis—present	Howell—present	Patterson—present	Tesanovich—present
Caul—present	Jacobs—present	Perricone—present	Thomas—present
Cherry—present	Jamnick—present	Pestka—excused	Toy—excused
Clark—present	Jansen—excused	Price—present	Vander Roest—present
Clarke—e/d/s	Jelinek—present	Prusi—present	Van Woerkom—present
Daniels—present	Jellema—present	Pumford—present	Vaughn—present
DeHart—present	Johnson, Rick—present	Quarles—present	Vear—present
Dennis—present	Johnson, Ruth—present	Raczkowski—present	Voorhees—present
DeRossett—present	Julian—present	Reeves—present	Wojno—present
DeVuyst—present	Kelly—present	Richardville—present	Woodward—present
DeWeese—present	Kilpatrick—present	Richner—present	Woronchak—present
Ehardt—present	Koetje—present	Rison—excused	
Faunce—present	Kowall—present		

e/d/s = entered during session

Rep. Mike Green, from the 84th District, offered the following invocation:

“Dear Heavenly Father, we are so thankful Lord for this beautiful day You have given us. We are thankful Lord for all the things You have so fully bestowed upon us. Lord, we are thankful for this system of government that we can operate in, that we can agree to disagree, and, Lord, that we could finally come up with a final product. Lord, I pray that You would be with our country today. Be with those that are running for the President, Lord; pray that we get a quick resolve, and Lord, that are country can soon be stable again. Lord, I also want to pray during this Christmas season and I want to thank You for Your son Jesus who came and died on the cross and was born this season. Thank You Lord for giving Him to us that we may have a way of salvation. Lord, we also pray for this body as we deliberate today. Lord, give us wisdom. Lord, give us patience. Also give us respect for one another as we do about our duty. In Jesus’ name we pray, Amen.”

Rep. DeWeese moved that Reps. Jansen and Toy be excused from today’s session.
The motion prevailed.

Rep. Scott moved that Reps. Basham, Pestka and Rison be excused from today’s session.
The motion prevailed.

Reports of Select Committees

Senate Bill No. 1278, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; to make appropriations; and to repeal acts and parts of acts.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

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

Senate Bill No. 1278, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; to make appropriations; and to repeal acts and parts of acts.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. (1) This act shall be known and may be cited as the “elder prescription insurance coverage act”.

(2) It is the intent of the legislature that the EPIC program defray the cost of obtaining medically necessary prescription drugs by elderly Michigan residents under the conditions specified in this act.

(3) The elder prescription insurance coverage program is established within the department of community health.

Sec. 2. As used in this act:

(a) “Department” means the department of community health.

(b) “EPIC program” means the elder prescription insurance coverage program created in section 3 or any other state program, federal program, or combination of state programs and federal programs, providing services to the population specified in section 3.

(c) "Federal poverty guidelines" means the poverty guidelines updated annually in the federal register by the United States department of health and human services under authority of 42 U.S.C. 9902(2).

(d) "Household income" means all income received by all persons of a household in a tax year while members of a household.

(e) "Medicaid" means the program for medical assistance established under title XIX of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6, and 1396r-8 to 1396v, and administered by the department under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(f) "MEPPS" means the Michigan emergency pharmaceutical program for seniors.

(g) "Michigan resident" means an individual who establishes residence for a period of 3 months in a settled or permanent home or domicile within the state with the intention of remaining in this state. An individual is a resident until the individual establishes a permanent residence outside this state.

(h) "Prescription" and "prescription drug" mean those terms as defined in section 17708 of the public health code, 1978 PA 368, MCL 333.17708.

Sec. 3. (1) The EPIC program shall provide prescription drug coverage, including related supplies as determined by the department in consultation with the advisory committee established in section 7, to each person to whom all of the following apply:

(a) The person is a noninstitutionalized Michigan resident 65 years of age or older.

(b) The person has a household income at or below 200% of the federal poverty guidelines.

(c) The person is not currently a medicaid recipient.

(d) Excluding medicare supplemental insurance or a federal program described in section 9(2), the person is not covered by other insurance that provides prescription drug coverage.

(2) The department shall give initial enrollment priority to applicants who in the 12 months preceding the effective date of this act participated in the MEPPS. A second enrollment priority will be afforded to applicants with annual household incomes up to 150% of the federal poverty guidelines who received a senior prescription tax credit in former section 273 of the income tax act of 1967, 1967 PA 281. Enrollment in the EPIC program for eligible applicants who formerly participated in the MEPPS program shall take effect not later than October 1, 2001. Enrollment in the EPIC program for eligible applicants who formerly received a senior prescription tax credit shall take effect not later than December 1, 2001. Other applicants with incomes up to 200% of the federal poverty guidelines will be enrolled contingent upon available money.

(3) An individual or married couple meeting the basic eligibility criteria established in subsection (1) may apply for enrollment in the EPIC program as follows:

(a) Submit an annual application to the department, or the department's designee, that, at a minimum, attests to the age, residence, and household income of the individual applicant or couple, if married. A nonrefundable administrative fee must be included with the application. The administrative fee is \$25.00.

(b) Upon notification of eligibility, the enrollee may access the EPIC program by meeting the cost-sharing obligation through a copayment on each prescription that does not exceed 20% of the cost of the prescription being purchased, with a maximum monthly copayment amount calculated based on 1 of the following:

(i) If the applicant's household income is at or below 100% of the federal poverty guidelines, the monthly copayment is 1/12 of 1% of household income as established during the annual application process.

(ii) If the applicant's household income is at or below 125% but greater than 100% of the federal poverty guidelines, the monthly copayment is 1/12 of 2% of household income as established during the annual application process.

(iii) If the applicant's household income is at or below 150% but greater than 125% of the federal poverty guidelines, the monthly copayment is 1/12 of 3% of household income as established during the annual application process.

(iv) If the applicant's household income is at or below 175% but greater than 150% of the federal poverty guidelines, the monthly copayment is 1/12 of 4% of household income as established during the annual application process.

(v) If the applicant's household income is at or below 200% but greater than 175% of the federal poverty guidelines, the monthly copayment is 1/12 of 5% of household income as established during the annual application process.

(4) Subsequent to enrollment in the EPIC program, an applicant who has a household income at or below 100% of the federal poverty guidelines shall be referred to the local family independence agency for assessment of eligibility for medicaid. Nothing in this subsection shall be construed as mandating that an applicant found eligible for medicaid must enroll in that program in lieu of enrollment in the EPIC program.

Sec. 4. (1) The department shall establish an expedited enrollment process or provide an emergency voucher if an otherwise eligible EPIC applicant immediately needs to obtain a medically necessary prescription.

(2) The department shall give an applicant enrolled under subsection (1) a temporary EPIC program eligibility card or an emergency voucher that is valid for up to 90 days from the issue date.

(3) Eligibility requirements for emergency vouchers shall not be more restrictive than the requirements established for the Michigan emergency pharmaceutical program for seniors previously funded in the annual appropriation for the department.

Sec. 5. Except as otherwise specified in this section, if an enrollee chooses to have a prescription filled with a brand name drug when a recognized generic drug is available, a copayment is required. For the initial year of operation, the copayment amount is \$15.00. For subsequent years, the amount of a copayment applied under this section may be established by the legislature. Nothing in this section shall be construed as allowing therapeutic substitution. The department shall develop a mechanism, with the advice of the advisory committee established in section 7, that will specify when drugs should be dispensed as written and not subject to the \$15.00 copayment. These recommendations shall be presented to the senate and house of representatives appropriations committees not later than September 1, 2001.

Sec. 6. In providing program benefits, the department may do all of the following:

(a) Enter into a contract with a private individual, corporation, or agency to manage the EPIC program. A contract entered into under this subdivision shall be awarded through a competitive bidding process.

(b) Use procedures and rebate amounts specified under section 1927 of title XIX of the social security act, 42 U.S.C. 1396r-8, to secure quarterly rebates from pharmaceutical manufacturers for outpatient drugs dispensed to participants in EPIC.

(c) For products distributed by the pharmaceutical manufacturers not providing quarterly rebates as listed in subdivision (b), require preauthorization.

Sec. 7. (1) To assist in implementing this act, the department may utilize the office of services to the aging, area agencies on aging, senior citizens centers, or other senior focused entities, to provide outreach, enrollment assistance, and education services to potentially eligible seniors for both the EPIC and medicaid programs.

(2) To assist in determining the coverage appropriate under the provisions of this act, the department shall establish an advisory committee. The committee shall consist of consumer representatives, members with knowledge in the areas of pharmacology, geriatrics, development and review of budgetary issues and practice, and policy development, and 1 member of each appropriations committee, or his or her designee, as appointed by the respective chairpersons of the senate and house of representatives appropriations committees. The advisory committee shall meet at least once each year.

Sec. 8. The department shall provide quarterly reports to the senate and house appropriations committees, and the senate and house fiscal agencies, that include quantified data as to the number of program applicants and enrollees, the amount of expenditures, and the number of enrollees subsequently found eligible for medicaid. Each report shall also contain an estimate of whether or not the current rate of expenditures will exceed the existing amount of money appropriated for the EPIC program in the current fiscal year. If the estimate indicates that the program would end the year in deficit, the department and the department of management and budget shall take 1 or more of the following actions:

(a) Request a supplemental appropriation for the EPIC program.

(b) Request a transfer of spending authority from any surplus appropriation within the department.

(c) Suspend further enrollment in the EPIC program.

(d) Increase copayments for new applicants. In no case shall an adjustment in program cost sharing result in a cost to an eligible senior in excess of 5% of the eligible senior's household income.

Sec. 9. (1) The program created by this act is not an entitlement. Benefits are limited to the level supported by the money explicitly appropriated in this or other acts for the EPIC program.

(2) Except as allowed in section 3(4), the EPIC program is a payer of last resort. If the federal government establishes a pharmaceutical assistance program that covers EPIC eligible seniors under medicare or another program, the EPIC program shall cover only eligible costs not covered by the federal program. This subsection does not require payment by a local prescription drug discount program or a local emergency prescription drug assistance program for a prescription drug covered under the EPIC program.

(3) The EPIC program shall utilize an automated pharmacy claims adjudication and prospective drug utilization review system. This automated system shall contain those edits necessary to reduce the risk of adverse drug reactions in the enrolled population.

(4) The pharmacy dispensing fee payable under the EPIC program shall be equal to the current medicaid dispensing fee.

Enacting section 1. Section 273 of the income tax act of 1967, 1967 PA 281, MCL 206.273, is repealed effective December 31 of the year in which the EPIC program is implemented. It is the intent of the legislature that an individual who has expenses for prescription drugs that qualify for a credit under section 273 of the income tax act of 1967, 1967 PA 281, MCL 206.273, on or after January 1 and before December 31 of the year in which the EPIC program is implemented, shall be allowed to claim the credit based on those expenses for that period. In addition, the MEPPS program shall continue until the EPIC program is fully operational.

Enacting section 2. This act takes effect October 1, 2001.

Enacting section 3. Section 1695 of 2000 PA 296 is repealed.

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

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; and to repeal acts and parts of acts.

Harry Gast
John J.H. Schwarz, M.D.
Conferees for the Senate

Terry Geiger
Sandra Caul
Lynne Martinez
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Raczkowski moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members' desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1097

Yeas—97

Allen	Faunce	Kilpatrick	Richardville
Baird	Frank	Koetje	Richner
Birkholz	Garcia	Kowall	Rivet
Bisbee	Garza	Kuipers	Rocca
Bishop	Geiger	LaForge	Schauer
Bogardus	Gielegthem	LaSata	Schermesser
Bovin	Gilbert	Law	Scott
Bradstreet	Godchaux	Lockwood	Scranton
Brater	Gosselin	Martinez	Shackleton
Brewer	Green	Mead	Sheltrown
Brown, B.	Hager	Middaugh	Shulman
Brown, C.	Hanley	Minore	Spade
Byl	Hansen	Mortimer	Stamas
Callahan	Hardman	Neumann	Switalski
Cassis	Hart	O'Neil	Tabor
Caul	Howell	Pappageorge	Tesanovich
Cherry	Jacobs	Patterson	Thomas
Clark, I.	Jamnick	Perricone	Van Woerkom
Daniels	Jelinek	Price	Vaughn
DeHart	Jellema	Prusi	Vear
Dennis	Johnson, Rick	Pumford	Voorhees
DeRossett	Johnson, Ruth	Quarles	Wojno
DeVuyst	Julian	Raczkowski	Woodward
DeWeese	Kelly	Reeves	Woronchak
Ehardt			

Nays—1

Vander Roest

In The Chair: Scranton

Rep Vander Roest, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘yes’ on Senate Bill 1278 (EPIC) the first time the House took it up for consideration on December 7, 2000 (House Journal No. 70, page 2615).

I voted ‘no’ this time because I believe this is not our best effort. We can do better for Michigan’s senior population. I have already began the process of drafting legislation to make improvements to this program because as written numerous seniors that are in need of assistance will fall through the cracks.

I believe the following questions have not been answered by this legislation:

1. How will a couple be treated under this program where the husband is over 65 years of age and the wife is not? Will the wife have to purchase her own private insurance?

2. Under the Senior Prescription Drug Tax Credit is any outside health/medical insurance coverage be deducted from the Gross Household income (helps to serve as an incentive to purchase insurance coverage)?

3. If a person is one dollar over the household income limit are they ineligible for EPIC? Or, is there a sliding scale that for every dollar over the limit the benefit is reduced equally?

4. Where is the safety net for seniors (over 65) who have enormous monthly prescription costs and have gone back to work to help alleviate those expenses (should we look at need....perhaps use a percentage income)?

5. What is the incentive for the individual over 65 years of age, to see employment at the risk of losing eligibility for this program?

6. Are we limiting this program under the threat that the Federal government will withhold financial assistance over Michigan maintenance of efforts in a current program like EPIC?

7. Why did we do away with the policy of requiring the first 5 percent of an individual’s prescription cost be their responsibility and then, in addition, have a program that helps the low-income seniors?

The legislation that I introduce next year will address these concerns. I ask those who want to work to make Michigan’s prescription drug coverage the best in the nation to work with me in 2001. Together we can work to protect all of Michigan’s vulnerable seniors.”

Rep. Hale entered the House Chambers.

The Speaker laid before the House the conference report relative to

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 conference report was received from the Senate on December 7, consideration of which, under the rules, was postponed until December 12, see House Journal No. 70, p. 2621.)

(For conference report, see House Journal No. 70, p. 2621.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1098

Yeas—94

Allen	Frank	Kowall	Richner
Baird	Garcia	Kuipers	Rivet
Birkholz	Garza	LaForge	Rocca
Bisbee	Geiger	LaSata	Schauer
Bishop	Gielegghem	Law	Schermesser
Bogardus	Gilbert	Lockwood	Scott
Bovin	Godchaux	Martinez	Scranton
Bradstreet	Gosselin	Mead	Shackleton
Brater	Green	Middaugh	Sheltrown
Brewer	Hager	Minore	Shulman
Brown, B.	Hale	Mortimer	Spade
Brown, C.	Hansen	Neumann	Stamas

Byl	Hardman	O'Neil	Switalski
Callahan	Hart	Pappageorge	Tabor
Cassis	Howell	Patterson	Tesanovich
Caul	Jacobs	Perricone	Thomas
Cherry	Jamnick	Price	Vander Roest
Clark, I.	Jelinek	Prusi	Vaughn
DeHart	Jellema	Pumford	Vear
DeRossett	Johnson, Rick	Quarles	Voorhees
DeVuyst	Johnson, Ruth	Rackowski	Wojno
DeWeese	Julian	Reeves	Woodward
Ehardt	Kelly	Richardville	Woronchak
Faunce	Koetje		

Nays—2

Dennis Van Woerkom

In The Chair: Scranton

Reps. Lemmons and Sanborn entered the House Chambers.

The Speaker laid before the House the conference report relative to

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 conference report was received from the Senate on December 7, consideration of which, under the rules, was postponed until December 12, see House Journal No. 70, p. 2622.)

(For conference report, see House Journal No. 70, p. 2622.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1099**Yeas—93**

Allen	Frank	Kowall	Richardville
Baird	Garcia	Kuipers	Richner
Birkholz	Geiger	LaForge	Rivet
Bisbee	Gielegghem	LaSata	Rocca
Bishop	Gilbert	Law	Sanborn
Bogardus	Godchaux	Lemmons	Schauer
Bovin	Gosselin	Lockwood	Schermesser
Bradstreet	Green	Martinez	Scott
Brewer	Hager	Mead	Scranton
Brown, B.	Hale	Middaugh	Shackleton
Brown, C.	Hanley	Minore	Sheltrown
Byl	Hardman	Mortimer	Shulman
Callahan	Hart	Neumann	Spade
Cassis	Howell	O'Neil	Stamas
Caul	Jacobs	Pappageorge	Switalski
Cherry	Jelinek	Patterson	Tabor
Clark, I.	Jellema	Perricone	Tesanovich

Daniels	Johnson, Rick	Price	Vander Roest
DeHart	Johnson, Ruth	Prusi	Vear
DeRossett	Julian	Pumford	Voorhees
DeVuyst	Kelly	Quarles	Wojno
DeWeese	Kilpatrick	Raczkowski	Woodward
Ehardt	Koetje	Reeves	Woronchak
Faunce			

Nays—7

Brater	Hansen	Thomas	Vaughn
Dennis	Jamnick	Van Woerkom	

In The Chair: Scranton

Third Reading of Bills**Senate Bill No. 802, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32 (MCL 388.1632), as added by 1999 PA 119.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1100**Yeas—100**

Allen	Frank	Koetje	Richner
Baird	Garcia	Kowall	Rivet
Birkholz	Garza	Kuipers	Rocca
Bisbee	Geiger	LaForge	Sanborn
Bishop	Gielegghem	LaSata	Schauer
Bogardus	Gilbert	Law	Schermesser
Bovin	Godchaux	Lemmons	Scott
Bradstreet	Gosselin	Lockwood	Scranton
Brater	Green	Martinez	Shackleton
Brewer	Hager	Mead	Sheltrown
Brown, B.	Hale	Middaugh	Shulman
Brown, C.	Hanley	Minore	Spade
Callahan	Hansen	Mortimer	Stamas
Cassis	Hardman	Neumann	Switalski
Caul	Hart	O'Neil	Tabor
Cherry	Howell	Pappageorge	Tesanovich
Clark, I.	Jacobs	Patterson	Thomas
Daniels	Jamnick	Perricone	Van Woerkom
DeHart	Jelinek	Price	Vander Roest
Dennis	Jellema	Prusi	Vaughn
DeRossett	Johnson, Rick	Pumford	Vear
DeVuyst	Johnson, Ruth	Quarles	Voorhees
DeWeese	Julian	Raczkowski	Wojno
Ehardt	Kelly	Reeves	Woodward
Faunce	Kilpatrick	Richardville	Woronchak

Nays—0

In The Chair: Scranton

The question being on agreeing to the title of the bill,

Rep. Raczkowski moved to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 32f (MCL 388.1632f), as added by 2000 PA 297.

The motion prevailed.

The House agreed to the title as amended.

Rep. Raczkowski moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5758, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14 of chapter XVII (MCL 777.14), as amended by 2000 PA 279.

(The bill was received from the Senate on December 5, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 6, see House Journal No. 68, p. 2556.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1101

Yeas—100

Allen	Faunce	Kilpatrick	Richner
Baird	Frank	Koetje	Rivet
Birkholz	Garcia	Kowall	Rocca
Bisbee	Garza	Kuipers	Sanborn
Bishop	Geiger	LaForge	Schauer
Bogardus	Gielegghem	LaSata	Schermesser
Bovin	Gilbert	Law	Scott
Bradstreet	Godchaux	Lemmons	Scranton
Brater	Gosselin	Lockwood	Shackleton
Brewer	Green	Martinez	Sheltrown
Brown, B.	Hager	Mead	Shulman
Brown, C.	Hale	Middaugh	Spade
Byl	Hanley	Minore	Stamas
Callahan	Hansen	Mortimer	Switalski
Cassis	Hardman	Neumann	Tabor
Caul	Hart	O’Neil	Tesanovich
Cherry	Howell	Pappageorge	Thomas
Clark, I.	Jacobs	Patterson	Van Woerkom
Daniels	Jamnick	Perricone	Vander Roest
DeHart	Jelinek	Price	Vaughn
Dennis	Jellema	Prusi	Vear
DeRossett	Johnson, Rick	Pumford	Voorhees
DeVuyst	Johnson, Ruth	Raczkowski	Wojno
DeWeese	Julian	Reeves	Woodward
Ehardt	Kelly	Richardville	Woronchak

Nays—0

In The Chair: Scranton

The House agreed to the full title of the bill.

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

The Speaker laid before the House

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.

(The bill was received from the Senate on December 6, with substitute (S-1) to the House substitute (H-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 7, see House Journal No. 69, p. 2599.)

The question being on concurring in the substitute (S-1) to the House substitute (H-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1102**Yeas—96**

Allen	Frank	Kilpatrick	Richardville
Baird	Garcia	Koetje	Richner
Birkholz	Garza	Kowall	Rivet
Bisbee	Geiger	Kuipers	Rocca
Bishop	Gielegthem	LaForge	Sanborn
Bogardus	Gilbert	LaSata	Schauer
Bovin	Godchaux	Law	Schermesser
Bradstreet	Gosselin	Lemmons	Scott
Brater	Green	Lockwood	Scranton
Brewer	Hager	Martinez	Shackleton
Brown, B.	Hale	Mead	Sheltrown
Brown, C.	Hanley	Minore	Shulman
Byl	Hansen	Mortimer	Spade
Cassis	Hardman	Neumann	Stamas
Caul	Hart	O’Neil	Switalski
Cherry	Howell	Pappageorge	Tabor
Clark, I.	Jacobs	Patterson	Van Woerkom
DeHart	Jamnick	Perricone	Vander Roest
Dennis	Jelinek	Price	Vaughn
DeRossett	Jellema	Prusi	Vear
DeVuyst	Johnson, Rick	Pumford	Voorhees
DeWeese	Johnson, Ruth	Quarles	Wojno
Ehardt	Julian	Rackowski	Woodward
Faunce	Kelly	Reeves	Woronchak

Nays—0

In The Chair: Scranton

The House agreed to the title as amended.

Third Reading of Bills**Senate Bill No. 1349, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 531 (MCL 436.1531), as amended by 1999 PA 91.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1103**Yeas—97**

Allen	Faunce	Kowall	Rivet
Baird	Frank	Kuipers	Rocca
Birkholz	Garcia	LaForge	Sanborn
Bisbee	Garza	LaSata	Schauer
Bishop	Geiger	Law	Schermesser
Bogardus	Gielegghem	Lemmons	Scott
Bovin	Gilbert	Lockwood	Scranton
Bradstreet	Godchaux	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brewer	Hale	Middaugh	Shulman
Brown, B.	Hanley	Minore	Spade
Brown, C.	Hansen	Mortimer	Stamas
Byl	Hart	Neumann	Switalski
Callahan	Howell	O’Neil	Tabor
Cassis	Jacobs	Pappageorge	Tesanovich
Caul	Jamnick	Patterson	Thomas
Cherry	Jelinek	Perricone	Van Woerkom
Clark, I.	Jellema	Price	Vander Roest
Daniels	Johnson, Rick	Prusi	Vaughn
DeHart	Johnson, Ruth	Pumford	Vear
Dennis	Julian	Quarles	Voorhees
DeRossett	Kelly	Rackowski	Wojno
DeVuyst	Kilpatrick	Richardville	Woodward
DeWeese	Koetje	Richner	Woronchak
Ehardt			

Nays—2

Hardman

Reeves

In The Chair: Scranton

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The House agreed to the full title.

Rep. Raczkowski moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Raczkowski moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

Associate Speaker Pro Tempore Patterson assumed the Chair.

Rep. Stallworth entered the House Chambers.

Rep. Mans entered the House Chambers.

Quorum Call

Rep. Raczkowski questioned the presence of a quorum and moved that the roll be called and printed in the Journal.
The motion prevailed.
The roll was called and the Clerk announced that a quorum was present.
The following is the roll call:

Roll Call No. 1104

Yeas—98

Allen	Garza	LaForge	Rocca
Baird	Geiger	LaSata	Sanborn
Bisbee	Gielegthem	Law	Schauer
Bishop	Gilbert	Lemmons	Schermesser
Bogardus	Godchaux	Lockwood	Scott
Bovin	Gosselin	Mans	Scranton
Bradstreet	Green	Martinez	Shackleton
Brater	Hager	Mead	Sheltrown
Brewer	Hale	Middaugh	Shulman
Brown, B.	Hanley	Minore	Spade
Brown, C.	Hansen	Mortimer	Stallworth
Callahan	Hardman	Neumann	Stamas
Cassis	Hart	O'Neil	Switalski
Caul	Howell	Pappageorge	Tabor
Cherry	Jacobs	Patterson	Tesanovich
Daniels	Jamnick	Price	Thomas
DeHart	Jelinek	Prusi	Van Woerkom
Dennis	Jellema	Pumford	Vander Roest
DeRossett	Johnson, Rick	Quarles	Vaughn
DeVuyst	Johnson, Ruth	Raczkowski	Vear
DeWeese	Julian	Reeves	Voorhees
Ehardt	Kelly	Richardville	Wojno
Faunce	Koetje	Richner	Woodward
Frank	Kowall	Rivet	Woronchak
Garcia	Kuipers		

In The Chair: Patterson

Senate Bill No. 271, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 1994 PA 317.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1105**Yeas—100**

Allen	Frank	Kowall	Rivet
Baird	Garcia	Kuipers	Rocca
Birkholz	Garza	LaForge	Sanborn
Bisbee	Geiger	LaSata	Schauer
Bishop	Gielegthem	Law	Schermesser
Bogardus	Gilbert	Lemmons	Scott
Bovin	Godchaux	Lockwood	Scranton
Bradstreet	Gosselin	Mans	Shackleton
Brater	Green	Martinez	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Minore	Stallworth
Byl	Hansen	Mortimer	Stamas
Callahan	Hardman	Neumann	Switalski
Cassis	Hart	O'Neil	Tabor
Caul	Howell	Pappageorge	Tesanovich
Cherry	Jacobs	Patterson	Thomas
Daniels	Jelinek	Perricone	Van Woerkom
DeHart	Jellema	Price	Vander Roest
Dennis	Johnson, Rick	Prusi	Vaughn
DeRossett	Johnson, Ruth	Pumford	Vear
DeVuyst	Julian	Quarles	Voorhees
DeWeese	Kelly	Raczkowski	Wojno
Ehardt	Kilpatrick	Reeves	Woodward
Faunce	Koetje	Richardville	Woronchak

Nays—0

In The Chair: Patterson

The House agreed to the title of the bill.

Rep. Raczkowski moved that the bill be given immediate effect.

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

Rep. Allen moved that Rep. Richner be excused temporarily from today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Select Committees**First Conference Report**

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

House Bill No. 4532, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a).

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the bill as passed by the House, and to the following amendment:

1. Amend page 3, line 7, after “effect” by striking out the balance of the bill and inserting “April 1, 2001.”.

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

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 231a (MCL 750.231a).

Michael Green
Larry DeVuyst
William Callahan
Conferees for the House

Philip E. Hoffman
Bill Bullard, Jr.
Christopher D. Dingell
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Raczkowski moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members’ desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1106

Yeas—75

Allen	Frank	Law	Schermesser
Birkholz	Garcia	Mans	Scranton
Bisbee	Geiger	Mead	Shackleton
Bishop	Gielegghem	Middaugh	Sheltrown
Bovin	Gilbert	Mortimer	Shulman
Bradstreet	Gosselin	Neumann	Spade
Brown, B.	Green	O’Neil	Stamas
Brown, C.	Hager	Pappageorge	Switalski
Byl	Hart	Patterson	Tabor
Callahan	Howell	Perricone	Tesanovich
Cassis	Jelinek	Prusi	Van Woerkom
Caul	Jellema	Pumford	Vander Roest
Cherry	Johnson, Rick	Raczkowski	Vaughn
DeHart	Johnson, Ruth	Reeves	Vear
DeRossett	Julian	Richardville	Voorhees
DeVuyst	Koetje	Rivet	Wojno
DeWeese	Kowall	Rocca	Woodward
Ehardt	Kuipers	Sanborn	Woronchak
Faunce	LaSata	Schauer	

Nays—25

Baird	Hale	Kelly	Minore
Bogardus	Hanley	Kilpatrick	Price
Brater	Hansen	LaForge	Quarles
Brewer	Hardman	Lemmons	Scott
Daniels	Jacobs	Lockwood	Stallworth
Dennis	Jamnick	Martinez	Thomas
Garza			

In The Chair: Patterson

Rep. Vander Roest moved that Rep. Tabor be excused temporarily from today's session.
The motion prevailed.

Third Reading of Bills

Senate Bill No. 769, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 1994 PA 138.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1107

Yeas—99

Allen	Garcia	Kuipers	Rivet
Baird	Garza	LaForge	Rocca
Birkholz	Geiger	LaSata	Sanborn
Bisbee	Gielegghem	Law	Schauer
Bishop	Gilbert	Lemmons	Schermesser
Bovin	Godchaux	Lockwood	Scott
Bradstreet	Gosselin	Mans	Scranton
Brater	Green	Martinez	Shackleton
Brewer	Hager	Mead	Sheltrown
Brown, B.	Hale	Middaugh	Shulman
Brown, C.	Hanley	Minore	Spade
Byl	Hansen	Mortimer	Stallworth
Callahan	Hardman	Neumann	Stamas
Cassis	Hart	O'Neil	Switalski
Caul	Howell	Pappageorge	Tesanovich
Cherry	Jacobs	Patterson	Thomas
Daniels	Jelinek	Perricone	Van Woerkom
DeHart	Jellema	Price	Vander Roest
Dennis	Johnson, Rick	Prusi	Vaughn
DeRossett	Johnson, Ruth	Pumford	Vear
DeVuyst	Julian	Quarles	Voorhees
DeWeese	Kelly	Rackowski	Wojno
Ehardt	Kilpatrick	Reeves	Woodward
Faunce	Koetje	Richardville	Woronchak
Frank	Kowall	Richner	

Nays—2

Bogardus

Jamnack

In The Chair: Patterson

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

"An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,".

The House agreed to the full title.

Rep. Rackowski moved that the bill be given immediate effect.

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

Senate Bill No. 1292, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending sections 1, 2a, 2b, 2c, 2d, 4, 7, 8, 14, 15, 16, 17, 18, 19, and 20 (MCL 141.421, 141.422a, 141.422b, 141.422c, 141.422d, 141.424, 141.427, 141.428, 141.434, 141.435, 141.436, 141.437, 141.438, 141.439, and 141.440), sections 1 and 7 as amended by 1982 PA 451, sections 2b and 4 as amended by 1996 PA 439, section 2d as amended by 1999 PA 142, section 8 as amended by 1996 PA 400, section 15 as amended by 1981 PA 77, and sections 16 and 17 as amended by 1995 PA 41.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1108**Yeas—101**

Allen	Garcia	Kowall	Rivet
Baird	Garza	Kuipers	Rocca
Birkholz	Geiger	LaForge	Sanborn
Bisbee	Gielegthem	LaSata	Schauer
Bishop	Gilbert	Law	Schermesser
Bogardus	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	Scranton
Bradstreet	Green	Mans	Shackleton
Brater	Hager	Martinez	Sheltrown
Brewer	Hale	Mead	Shulman
Brown, B.	Hanley	Middaugh	Spade
Brown, C.	Hansen	Minore	Stallworth
Byl	Hardman	Mortimer	Stamas
Callahan	Hart	Neumann	Switalski
Cassis	Howell	O'Neil	Tabor
Caul	Jacobs	Pappageorge	Tesanovich
Cherry	Jamnick	Patterson	Thomas
Daniels	Jelinek	Price	Van Woerkom
DeHart	Jellema	Prusi	Vander Roest
Dennis	Johnson, Rick	Pumford	Vaughn
DeRossett	Johnson, Ruth	Quarles	Vear
DeVuyst	Julian	Rackowski	Voorhees
DeWeese	Kelly	Reeves	Wojno
Ehardt	Kilpatrick	Richardville	Woodward
Faunce	Koetje	Richner	Woronchak
Frank			

Nays—0

In The Chair: Patterson

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

"An act to provide for the formulation and establishment of uniform charts of accounts and reports in local units of government; to define local units of government; to provide for the examination of the books and accounts of local units of government; to provide for annual financial reports from local units of government; to provide for the administration of this act; to prescribe the powers and duties of the state treasurer, the attorney general, the library of Michigan and depository libraries, and other officers and entities; to provide penalties for violation of certain requirements of this act; to provide for meeting the expenses authorized by this act; to provide a uniform budgeting system for local units; and to prohibit deficit spending by a local unit of government,".

The House agreed to the full title.

Rep. Rackowski moved that the bill be given immediate effect.

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

Rep. Richner, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 1106. Had I been present, I would have voted ‘yea’.”

Senate Bill No. 257, entitled

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Raczkowski moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

Second Reading of Bills

Senate Bill No. 257, entitled

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

Rep. Cassis moved to substitute (H-7) the bill.

The motion prevailed and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Raczkowski moved that the bill be placed on the order of Third Reading of Bills.

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

Rep. Raczkowski moved that the bill be placed on its immediate passage.

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

Rep. Vander Roest moved that Rep. Tabor be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

The House returned to the consideration of

Senate Bill No. 257, entitled

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

(The bill was considered earlier today, see today’s journal, p. 2661.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1109

Yeas—97

Allen	Garza	Kuipers	Richner
Baird	Geiger	LaForge	Rivet
Birkholz	Gielegem	LaSata	Rocca
Bisbee	Gilbert	Law	Sanborn
Bishop	Godchaux	Lemmons	Schauer
Bradstreet	Gosselin	Lockwood	Schermesser
Brater	Green	Mans	Scott

Brewer	Hager	Martinez	Scranton
Brown, B.	Hale	Mead	Shackleton
Brown, C.	Hanley	Middaugh	Sheltrown
Byl	Hansen	Minore	Shulman
Callahan	Hardman	Mortimer	Spade
Cassis	Hart	Neumann	Stallworth
Caul	Howell	O'Neil	Stamas
Cherry	Jacobs	Pappageorge	Switalski
Daniels	Jelinek	Patterson	Tesanovich
DeHart	Jellema	Perricone	Thomas
Dennis	Johnson, Rick	Price	Van Woerkom
DeRossett	Johnson, Ruth	Prusi	Vander Roest
DeVuyst	Julian	Pumford	Vaughn
DeWeese	Kelly	Quarles	Vear
Ehardt	Kilpatrick	Raczkowski	Voorhees
Faunce	Koetje	Reeves	Wojno
Frank	Kowall	Richardville	Woronchak
Garcia			

Nays—3

Bogardus

Jamnick

Woodward

In The Chair: Patterson

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The House agreed to the full title.

Rep. Raczkowski moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Reports of Select Committees

First Conference Report

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

House Bill No. 4530, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, and 5o; and to repeal acts and parts of acts.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide for penalties and remedies for violations of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 2000 PA 265 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, 5o, 5v, and 5w; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license OR OTHER AUTHORIZATION; to provide for the forfeiture of firearms ~~possessed in violation of this act~~ UNDER CERTAIN CIRCUMSTANCES; to provide for penalties and remedies; ~~for violations of this act~~; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; TO PROHIBIT CERTAIN CONDUCT AGAINST INDIVIDUALS WHO APPLY FOR OR RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL; TO MAKE APPROPRIATIONS; TO PRESCRIBE CERTAIN CONDITIONS FOR THE APPROPRIATIONS; and to repeal all acts and parts of acts inconsistent with ~~the provisions of~~ this act.

Sec. 1. As used in this act:

(a) "Firearm" means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, BB's not exceeding .177 caliber.

(b) "Pistol" means a loaded or unloaded firearm that is 30 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.

(c) "Purchaser" means a person who receives a pistol from another person by purchase, OR gift, ~~or loan.~~

(d) "Seller" means a person who sells, ~~furnishes, loans,~~ or gives a pistol to another person.

SEC. 1A. IT IS THE INTENT OF THE LEGISLATURE TO CREATE A STANDARDIZED SYSTEM FOR ISSUING CONCEALED PISTOL LICENSES TO PREVENT CRIMINALS AND OTHER VIOLENT INDIVIDUALS FROM OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL, TO ALLOW LAW ABIDING RESIDENTS TO OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL, AND TO PRESCRIBE THE RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS WHO HAVE OBTAINED A LICENSE TO CARRY A CONCEALED PISTOL. IT IS ALSO THE INTENT OF THE LEGISLATURE TO GRANT AN APPLICANT THE RIGHT TO KNOW WHY HIS OR HER APPLICATION FOR A CONCEALED PISTOL LICENSE IS DENIED AND TO CREATE A PROCESS BY WHICH AN APPLICANT MAY APPEAL THAT DENIAL.

SEC. 2A. (1) AN INDIVIDUAL WHO IS LICENSED UNDER SECTION 5B TO CARRY A CONCEALED PISTOL IS NOT REQUIRED TO OBTAIN A LICENSE UNDER SECTION 2 TO PURCHASE, CARRY, OR TRANSPORT A PISTOL.

(2) IF AN INDIVIDUAL LICENSED UNDER SECTION 5B PURCHASES A PISTOL, THE SELLER SHALL COMPLETE A SALES RECORD IN TRIPLICATE ON A FORM PROVIDED BY THE DEPARTMENT OF STATE POLICE. THE RECORD SHALL INCLUDE THE INDIVIDUAL'S CONCEALED WEAPON LICENSE NUMBER. THE INDIVIDUAL PURCHASING THE PISTOL SHALL SIGN THE RECORD. THE SELLER SHALL RETAIN 1 COPY OF THE RECORD, PROVIDE 1 COPY TO THE INDIVIDUAL PURCHASING THE PISTOL, AND FORWARD THE ORIGINAL TO THE DEPARTMENT OF STATE POLICE WITHIN 10 DAYS FOLLOWING THE PURCHASE.

(3) THIS SECTION DOES NOT APPLY TO A PERSON OR ENTITY EXEMPT UNDER SECTION 2(7).

(4) AN INDIVIDUAL WHO MAKES A MATERIAL FALSE STATEMENT ON A SALES RECORD UNDER THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

(5) THE DEPARTMENT OF STATE POLICE MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

SEC. 5. (1) COUNTY SHERIFFS, LOCAL POLICE AGENCIES, AND COUNTY CLERKS SHALL PROVIDE CONCEALED PISTOL APPLICATION KITS DURING NORMAL BUSINESS HOURS AND FREE OF CHARGE TO INDIVIDUALS WHO WISH TO APPLY FOR LICENSES TO CARRY CONCEALED PISTOLS. EACH KIT SHALL ONLY CONTAIN ALL OF THE FOLLOWING:

(A) A CONCEALED PISTOL LICENSE APPLICATION FORM PROVIDED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

(B) THE FINGERPRINT CARDS REQUIRED UNDER SECTION 5B(11).

(C) WRITTEN INFORMATION REGARDING THE PROCEDURES INVOLVED IN OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL, INCLUDING INFORMATION REGARDING THE RIGHT TO APPEAL THE DENIAL OF A LICENSE AND THE FORM REQUIRED FOR THAT APPEAL.

(D) WRITTEN INFORMATION IDENTIFYING ENTITIES THAT OFFER THE TRAINING REQUIRED UNDER SECTION 5B(7)(C).

(2) A COUNTY SHERIFF, LOCAL POLICE AGENCY, OR COUNTY CLERK SHALL NOT DENY AN INDIVIDUAL THE RIGHT TO RECEIVE A CONCEALED PISTOL APPLICATION KIT UNDER THIS SECTION.

(3) AN INDIVIDUAL WHO IS DENIED AN APPLICATION KIT UNDER THIS SECTION AND OBTAINS AN ORDER OF MANDAMUS DIRECTING THE CONCEALED WEAPON LICENSING BOARD TO PROVIDE HIM OR HER WITH THE APPLICATION KIT SHALL BE AWARDED HIS OR HER ACTUAL AND REASONABLE COSTS AND ATTORNEY FEES FOR OBTAINING THE ORDER.

(4) THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE APPLICATION KITS REQUIRED UNDER THIS SECTION TO COUNTY SHERIFFS, LOCAL LAW ENFORCEMENT AGENCIES, AND COUNTY CLERKS IN SUFFICIENT QUANTITIES TO MEET DEMAND. THE DEPARTMENT OF STATE POLICE SHALL NOT CHARGE A FEE FOR THE KITS.

SEC. 5A. (1) EACH COUNTY SHALL HAVE A CONCEALED WEAPON LICENSING BOARD. THE CONCEALED WEAPON LICENSING BOARD OF EACH COUNTY SHALL HAVE THE FOLLOWING MEMBERS:

(A) THE COUNTY PROSECUTING ATTORNEY OR HIS OR HER DESIGNEE. HOWEVER, IF THE COUNTY PROSECUTING ATTORNEY DECIDES THAT HE OR SHE DOES NOT WANT TO BE A MEMBER OF THE CONCEALED WEAPON LICENSING BOARD, HE OR SHE SHALL NOTIFY THE COUNTY BOARD OF COMMISSIONERS IN WRITING THAT HE OR SHE DOES NOT WANT TO BE A MEMBER OF THE CONCEALED WEAPON LICENSING BOARD FOR THE BALANCE OF HIS OR HER TERM IN OFFICE. THE COUNTY BOARD OF COMMISSIONERS SHALL THEN APPOINT A REPLACEMENT FOR THE PROSECUTING ATTORNEY WHO IS A FIREARMS INSTRUCTOR WHO HAS THE QUALIFICATIONS PRESCRIBED IN SECTION 5J(1)(C). THE PERSON WHO REPLACES THE PROSECUTING ATTORNEY SHALL SERVE ON THE CONCEALED WEAPON LICENSING BOARD IN PLACE OF THE PROSECUTING ATTORNEY FOR THE REMAINING TERM OF THE COUNTY PROSECUTING ATTORNEY UNLESS REMOVED FOR CAUSE BY THE COUNTY BOARD OF COMMISSIONERS. IF A VACANCY OCCURS ON THE CONCEALED WEAPON LICENSING BOARD OF THE PERSON APPOINTED PURSUANT TO THIS SECTION DURING THE TERM OF OFFICE OF THE COUNTY PROSECUTING ATTORNEY, THE COUNTY BOARD OF COMMISSIONERS SHALL APPOINT A REPLACEMENT PERSON WHO IS A FIREARMS INSTRUCTOR WHO HAS THE QUALIFICATIONS PRESCRIBED IN SECTION 5J(1)(C).

(B) THE COUNTY SHERIFF OR HIS OR HER DESIGNEE.

(C) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR HER DESIGNEE.

(2) IF A PROSECUTING ATTORNEY CHOOSES NOT TO BE A MEMBER OF THE CONCEALED WEAPON LICENSING BOARD, ALL OF THE FOLLOWING APPLY:

(A) THE PROSECUTING ATTORNEY SHALL BE NOTIFIED OF ALL APPLICATIONS RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD.

(B) THE PROSECUTING ATTORNEY SHALL BE GIVEN AN OPPORTUNITY TO OBJECT TO GRANTING A LICENSE TO CARRY A CONCEALED PISTOL AND PRESENT EVIDENCE BEARING DIRECTLY ON AN APPLICANT'S SUITABILITY TO CARRY A CONCEALED PISTOL SAFELY.

(C) THE PROSECUTING ATTORNEY SHALL DISCLOSE TO THE CONCEALED WEAPON LICENSING BOARD ANY INFORMATION OF WHICH HE OR SHE HAS ACTUAL KNOWLEDGE THAT BEARS DIRECTLY ON AN APPLICANT'S SUITABILITY TO CARRY A CONCEALED PISTOL SAFELY.

(3) THE COUNTY PROSECUTING ATTORNEY OR HIS OR HER DESIGNEE SHALL SERVE AS CHAIRPERSON OF THE BOARD UNLESS THE PROSECUTING ATTORNEY DOES NOT WANT TO BE A MEMBER OF THE CONCEALED WEAPON LICENSING BOARD, IN WHICH CASE THE CONCEALED WEAPON LICENSING BOARD SHALL ELECT ITS CHAIRPERSON. TWO MEMBERS OF THE CONCEALED WEAPON LICENSING BOARD CONSTITUTE A QUORUM OF THE CONCEALED WEAPON LICENSING BOARD. THE BUSINESS OF THE CONCEALED WEAPON LICENSING BOARD SHALL BE CONDUCTED BY A MAJORITY VOTE OF ALL OF THE MEMBERS OF THE CONCEALED WEAPON LICENSING BOARD.

(4) THE COUNTY CLERK SHALL SERVE AS THE CLERK OF THE CONCEALED WEAPON LICENSING BOARD.

(5) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE CONCEALED WEAPON LICENSING BOARD HAS EXCLUSIVE AUTHORITY TO ISSUE, DENY, REVOKE, OR SUSPEND A LICENSE TO CARRY A CONCEALED PISTOL. THE CONCEALED WEAPON LICENSING BOARD SHALL PERFORM OTHER DUTIES AS PROVIDED BY LAW.

(6) THE CONCEALED WEAPON LICENSING BOARD MAY CONVENE NOT MORE THAN 3 PANELS TO ASSIST THE BOARD IN EVALUATING APPLICANTS. THE PANELS SHALL BE COMPOSED OF REPRESENTATIVES AS PRESCRIBED IN SUBSECTION (1). THE PANELS DO NOT HAVE THE AUTHORITY TO ISSUE, DENY, REVOKE, OR SUSPEND A LICENSE.

(7) THE CONCEALED WEAPON LICENSING BOARD MAY INVESTIGATE THE APPLICANT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE INVESTIGATION SHALL BE RESTRICTED TO DETERMINING ONLY WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL, AND THE INVESTIGATION REGARDING THE ISSUANCE OF A LICENSE SHALL END AFTER THAT DETERMINATION IS MADE. THE CONCEALED WEAPON LICENSING BOARD MAY REQUIRE THE APPLICANT TO APPEAR BEFORE THE BOARD AT A MUTUALLY AGREED-UPON TIME FOR A CONFERENCE. THE APPLICANT'S FAILURE OR REFUSAL TO APPEAR WITHOUT VALID REASON BEFORE THE CONCEALED WEAPON LICENSING BOARD AS PROVIDED IN THIS SUBSECTION IS GROUNDS FOR THE BOARD TO DENY ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL TO THAT APPLICANT.

(8) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THE SAFETY OF THE APPLICANT OR THE SAFETY OF A MEMBER OF THE APPLICANT'S FAMILY IS ENDANGERED BY THE APPLICANT'S INABILITY TO IMMEDIATELY OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL, THE CONCEALED WEAPON LICENSING BOARD MAY, PENDING ISSUANCE OF A LICENSE, ISSUE A TEMPORARY LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED PISTOL. A TEMPORARY LICENSE SHALL BE ON A FORM PROVIDED BY THE DEPARTMENT OF STATE POLICE. A TEMPORARY LICENSE SHALL BE UNRESTRICTED AND SHALL BE VALID FOR NOT MORE THAN 180 DAYS. A TEMPORARY LICENSE MAY BE RENEWED FOR 1 ADDITIONAL PERIOD OF NOT MORE THAN 180 DAYS. A TEMPORARY LICENSE IS, FOR ALL OTHER PURPOSES OF THIS ACT, A LICENSE TO CARRY A CONCEALED PISTOL.

(9) THE LEGISLATIVE SERVICE BUREAU SHALL COMPILE THE FIREARMS LAWS OF THIS STATE, INCLUDING LAWS THAT APPLY TO CARRYING A CONCEALED PISTOL, AND SHALL PROVIDE COPIES OF THE COMPILATION TO EACH CONCEALED WEAPON LICENSING BOARD IN THIS STATE FOR DISTRIBUTION UNDER THIS SUBSECTION. A CONCEALED WEAPON LICENSING BOARD SHALL DISTRIBUTE A COPY OF THE COMPILATION TO EACH INDIVIDUAL WHO APPLIES FOR A LICENSE TO CARRY A CONCEALED PISTOL AT THE TIME THE APPLICATION IS SUBMITTED. THE CONCEALED WEAPON LICENSING BOARD SHALL REQUIRE THE APPLICANT TO SIGN A WRITTEN STATEMENT ACKNOWLEDGING THAT HE OR SHE HAS RECEIVED A COPY OF THE COMPILATION. AN INDIVIDUAL IS NOT ELIGIBLE TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL UNTIL HE OR SHE HAS SIGNED THE STATEMENT.

SEC. 5B. (1) TO OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL, AN INDIVIDUAL SHALL APPLY TO THE CONCEALED WEAPON LICENSING BOARD IN THE COUNTY IN WHICH THAT INDIVIDUAL RESIDES FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE APPLICATION SHALL BE FILED WITH THE COUNTY CLERK AS CLERK OF THE CONCEALED WEAPON LICENSING BOARD DURING THE COUNTY CLERK'S NORMAL BUSINESS HOURS. THE APPLICATION SHALL BE ON A FORM PROVIDED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE AND SHALL ALLOW THE APPLICANT TO DESIGNATE WHETHER THE APPLICANT SEEKS A TEMPORARY LICENSE. THE APPLICATION SHALL BE SIGNED UNDER OATH BY THE APPLICANT. THE OATH SHALL BE ADMINISTERED BY THE COUNTY CLERK OR HIS OR HER REPRESENTATIVE. THE APPLICATION SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

(A) THE APPLICANT'S LEGAL NAME, DATE OF BIRTH, AND THE ADDRESS OF HIS OR HER PRIMARY RESIDENCE. IF THE APPLICANT RESIDES IN A CITY, VILLAGE, OR TOWNSHIP THAT HAS A POLICE DEPARTMENT, THE INFORMATION PROVIDED UNDER THIS SUBDIVISION SHALL INCLUDE A STATEMENT THAT THE CITY, VILLAGE, OR TOWNSHIP HAS A POLICE DEPARTMENT.

(B) A STATEMENT BY THE APPLICANT THAT THE APPLICANT MEETS THE CRITERIA FOR A LICENSE UNDER THIS ACT TO CARRY A CONCEALED PISTOL.

(C) A STATEMENT BY THE APPLICANT PROVIDING AUTHORITY TO THE CONCEALED WEAPON LICENSING BOARD TO ACCESS ANY RECORD PERTAINING TO THE QUALIFICATIONS OF AN APPLICANT FOR A LICENSE TO CARRY A CONCEALED PISTOL UNDER THIS ACT.

(D) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE HAS A HISTORY OF MENTAL ILLNESS THAT WOULD DISQUALIFY HIM OR HER UNDER SUBSECTION (7)(J) TO (I) FROM RECEIVING A LICENSE TO CARRY A CONCEALED PISTOL, AND GRANTING AUTHORITY TO THE CONCEALED WEAPON LICENSING BOARD TO ACCESS THE MENTAL HEALTH RECORDS OF THE APPLICANT RELATING TO HIS OR HER MENTAL HEALTH HISTORY. THE APPLICANT MAY REQUEST THAT INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD UNDER THIS

SUBDIVISION BE REVIEWED IN A CLOSED SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION BE CLOSED, THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE SESSION ONLY FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT AND HIS OR HER REPRESENTATIVE HAVE THE RIGHT TO BE PRESENT IN THE CLOSED SESSION. INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD UNDER THIS SUBDIVISION IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT.

(E) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE HAS EVER BEEN CONVICTED IN THIS STATE OR ELSEWHERE FOR ANY FELONY OR MISDEMEANOR.

(F) A STATEMENT BY THE APPLICANT WHETHER HE OR SHE IS DISHONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES.

(G) IF THE APPLICANT SEEKS A TEMPORARY LICENSE, THE FACTS SUPPORTING THE ISSUANCE OF THAT TEMPORARY LICENSE.

(H) A STATEMENT SETTING FORTH THE NAMES, RESIDENTIAL ADDRESSES, AND TELEPHONE NUMBERS OF 2 INDIVIDUALS WHO ARE REFERENCES FOR THE APPLICANT.

(I) A PASSPORT-QUALITY PHOTOGRAPH OF THE APPLICANT PROVIDED BY THE APPLICANT.

(2) THE APPLICATION FORM SHALL CONTAIN A CONSPICUOUS WARNING THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT INTENTIONALLY MAKING A MATERIAL FALSE STATEMENT ON THE APPLICATION IS A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

(3) AN INDIVIDUAL WHO INTENTIONALLY MAKES A MATERIAL FALSE STATEMENT ON AN APPLICATION UNDER SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

(4) THE CONCEALED WEAPON LICENSING BOARD SHALL RETAIN A COPY OF EACH APPLICATION FOR A LICENSE TO CARRY A CONCEALED PISTOL AS AN OFFICIAL RECORD.

(5) EACH APPLICANT SHALL PAY A FEE OF \$55.00 BY ANY METHOD OF PAYMENT ACCEPTED BY THAT COUNTY FOR PAYMENTS OF OTHER FEES AND PENALTIES, PLUS AN ADDITIONAL ASSESSMENT OF \$5.00 FOR DEPOSIT IN THE CONCEALED WEAPON ENFORCEMENT FUND UNDER SECTION 5V AT THE TIME OF FILING AN APPLICATION UNDER THIS SECTION. A UNIT OF LOCAL GOVERNMENT, AN AGENCY OF A UNIT OF LOCAL GOVERNMENT, OR AN AGENCY OR DEPARTMENT OF THIS STATE SHALL NOT CHARGE AN ADDITIONAL FEE, ASSESSMENT, OR OTHER AMOUNT IN CONNECTION WITH A LICENSE UNDER THIS SECTION, OTHER THAN THE FINGERPRINT FEE PROVIDED FOR IN THIS ACT. THE FEE AND ASSESSMENT SHALL BE PAYABLE TO THE COUNTY. THE COUNTY TREASURER SHALL DEPOSIT \$10.00 OF EACH FEE COLLECTED UNDER THIS SECTION IN THE GENERAL FUND OF THE COUNTY TO THE CREDIT OF THE COUNTY CLERK AND FORWARD THE BALANCE TO THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT THE BALANCE OF THE FEE IN THE GENERAL FUND TO THE CREDIT OF THE DEPARTMENT OF STATE POLICE. THE STATE TREASURER SHALL DEPOSIT THE ASSESSMENT IN THE CONCEALED WEAPON ENFORCEMENT FUND CREATED IN SECTION 5V. EACH COUNTY SHALL REPORT TO THE SENATE AND HOUSE FISCAL AGENCIES BY OCTOBER 1 OF EACH YEAR ITS COSTS PER APPLICANT TO IMPLEMENT THIS SECTION.

(6) THE COUNTY SHERIFF ON BEHALF OF THE CONCEALED WEAPON LICENSING BOARD SHALL VERIFY THE REQUIREMENTS OF SUBSECTION (7)(D), (E), (F), (H), (I), (J), (K), (L), AND (M) THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK AND REPORT HIS OR HER FINDING TO THE CONCEALED WEAPON LICENSING BOARD. IF THE APPLICANT RESIDES IN A CITY, VILLAGE, OR TOWNSHIP THAT HAS A POLICE DEPARTMENT, THE CONCEALED WEAPON LICENSING BOARD SHALL CONTACT THAT CITY, VILLAGE, OR TOWNSHIP POLICE DEPARTMENT TO DETERMINE ONLY WHETHER THAT CITY, VILLAGE, OR TOWNSHIP POLICE DEPARTMENT HAS ANY INFORMATION RELEVANT TO THE INVESTIGATION OF WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL.

(7) THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE A LICENSE TO AN APPLICANT TO CARRY A CONCEALED PISTOL WITHIN THE PERIOD REQUIRED UNDER THIS ACT AFTER THE APPLICANT PROPERLY SUBMITS AN APPLICATION UNDER SUBSECTION (1) AND THE CONCEALED WEAPON LICENSING BOARD DETERMINES THAT ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

(A) THE APPLICANT IS 21 YEARS OF AGE OR OLDER.

(B) THE APPLICANT IS A CITIZEN OF THE UNITED STATES OR IS A RESIDENT LEGAL ALIEN AS DEFINED IN SECTION 11 OF TITLE 18 OF THE UNITED STATES CODE, IS A RESIDENT OF THIS STATE, AND HAS RESIDED IN THIS STATE FOR AT LEAST 6 MONTHS. THE CONCEALED WEAPON LICENSING BOARD MAY WAIVE THE 6-MONTH RESIDENCY REQUIREMENT FOR A TEMPORARY LICENSE UNDER SECTION 5A(8) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THE SAFETY OF THE APPLICANT OR THE SAFETY OF A MEMBER OF THE

APPLICANT'S FAMILY IS ENDANGERED BY THE APPLICANT'S INABILITY TO IMMEDIATELY OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL.

(C) THE APPLICANT HAS KNOWLEDGE AND HAS HAD TRAINING IN THE SAFE USE AND HANDLING OF A PISTOL BY THE SUCCESSFUL COMPLETION OF A PISTOL SAFETY TRAINING COURSE OR CLASS THAT MEETS THE REQUIREMENTS OF SECTION 5J, AND THAT IS AVAILABLE TO THE GENERAL PUBLIC AND PRESENTED BY A LAW ENFORCEMENT AGENCY, JUNIOR OR COMMUNITY COLLEGE, COLLEGE, OR PUBLIC OR PRIVATE INSTITUTION OR ORGANIZATION OR FIREARMS TRAINING SCHOOL.

(D) THE APPLICANT IS NOT THE SUBJECT OF AN ORDER OR DISPOSITION UNDER ANY OF THE FOLLOWING:

(i) SECTION 464A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1464A.

(ii) FORMER SECTION 444A OF THE REVISED PROBATE CODE, 1978 PA 642, MCL 700.444A, OR SECTION 5107 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5107.

(iii) SECTIONS 2950 AND 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A.

(iv) SECTION 6B OF CHAPTER V OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B, IF THE ORDER HAS A CONDITION IMPOSED PURSUANT TO SECTION 6B(3) OF CHAPTER V OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B.

(v) SECTION 16B OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.16B.

(E) THE APPLICANT IS NOT PROHIBITED FROM POSSESSING, USING, TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING, OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.224F.

(F) THE APPLICANT HAS NEVER BEEN CONVICTED OF A FELONY IN THIS STATE OR ELSEWHERE, AND A FELONY CHARGE AGAINST THE APPLICANT IS NOT PENDING IN THIS STATE OR ELSEWHERE AT THE TIME HE OR SHE APPLIES FOR A LICENSE DESCRIBED IN THIS SECTION.

(G) THE APPLICANT IS NOT DISHONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES.

(H) THE APPLICANT HAS NOT BEEN CONVICTED OF A MISDEMEANOR VIOLATION OF ANY OF THE FOLLOWING IN THE 8 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION:

(i) SECTION 625(1) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, PUNISHABLE AS PROVIDED IN SUBSECTION (8)(B) OF THAT SECTION (DRUNK DRIVING, SECOND OFFENSE).

(ii) SECTION 626 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.626 (RECKLESS DRIVING).

(iii) SECTION 904(1) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.904 (DRIVING WHILE LICENSE SUSPENDED OR REVOKED), PUNISHABLE AS A SECOND OR SUBSEQUENT OFFENSE.

(iv) SECTION 29 OF 1964 PA 283, MCL 290.629 (HINDERING OR OBSTRUCTING WEIGHTS AND MEASURES ENFORCEMENT OFFICER).

(v) SECTION 10 OF THE MOTOR FUELS QUALITY ACT, 1984 PA 44, MCL 290.650 (HINDERING, OBSTRUCTING, ASSAULTING, OR COMMITTING BODILY INJURY UPON DIRECTOR OR AUTHORIZED REPRESENTATIVE).

(vi) SECTION 7403 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7403.

(vii) SECTION 7 OF 1978 PA 33, MCL 722.677 (DISPLAYING SEXUALLY EXPLICIT MATERIALS TO MINORS).

(viii) SECTION 81 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81 (ASSAULT OR DOMESTIC ASSAULT).

(ix) SECTION 81A(1) OR (2) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81A (AGGRAVATED ASSAULT OR AGGRAVATED DOMESTIC ASSAULT).

(x) SECTION 136B(5) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136B (FOURTH DEGREE CHILD ABUSE).

(xi) SECTION 145A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145A (ACCOSTING, ENTICING, OR SOLICITING A CHILD FOR IMMORAL PURPOSES).

(xii) SECTION 145N OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145N (VULNERABLE ADULT ABUSE).

(xiii) SECTION 157B(3)(B) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.157B (SOLICITATION TO COMMIT A FELONY).

(xiv) SECTION 215 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.215 (IMPERSONATING SHERIFF, CONSERVATION OFFICER, CORONER, CONSTABLE, OR POLICE OFFICER).

(xv) SECTION 223 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.223 (ILLEGAL SALE OF A FIREARM OR AMMUNITION).

(xvi) SECTION 224D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.224D (ILLEGAL SALE OF A SELF-DEFENSE SPRAY).

(xvii) SECTION 226A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.226A (SALE OR POSSESSION OF A SWITCHBLADE).

(xviii) SECTION 227C OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.227C (IMPROPER TRANSPORTATION OF A FIREARM).

(xix) SECTION 228 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.228 (FAILURE TO HAVE A PISTOL INSPECTED).

(xx) SECTION 229 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.229 (ACCEPTING A PISTOL IN PAWN).

(xxi) SECTION 232 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.232 (FAILURE TO REGISTER THE PURCHASE OF A FIREARM OR A FIREARM COMPONENT).

(xxii) SECTION 232A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.232A (IMPROPERLY OBTAINING A PISTOL, MAKING A FALSE STATEMENT ON AN APPLICATION TO PURCHASE A PISTOL, OR USING FALSE IDENTIFICATION TO PURCHASE A PISTOL).

(xxiii) SECTION 233 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.233 (INTENTIONALLY AIMING A FIREARM WITHOUT MALICE).

(xxiv) SECTION 234 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT MALICE).

(xxv) SECTION 234D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234D (POSSESSING A FIREARM ON PROHIBITED PREMISES).

(xxvi) SECTION 234E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234E (BRANDISHING A FIREARM IN PUBLIC).

(xxvii) SECTION 234F OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234F (POSSESSION OF A FIREARM BY AN INDIVIDUAL LESS THAN 18 YEARS OF AGE).

(xxviii) SECTION 235 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.235 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT MALICE CAUSING INJURY).

(xxix) SECTION 235A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.235A (PARENT OF A MINOR WHO POSSESSED A FIREARM IN A WEAPON FREE SCHOOL ZONE).

(xxx) SECTION 236 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.236 (SETTING A SPRING GUN OR OTHER DEVICE).

(xxxi) SECTION 237 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.237 (POSSESSING A FIREARM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A DRUG).

(xxxii) SECTION 237A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.237A (WEAPON FREE SCHOOL ZONE VIOLATION).

(xxxiii) SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411H (STALKING).

(xxxiv) SECTION 1 OF 1952 PA 45, MCL 752.861 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN INJURY OR DEATH).

(xxxv) SECTION 2 OF 1952 PA 45, MCL 752.862 (CARELESS, RECKLESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY DAMAGE).

(xxxvi) SECTION 3A OF 1952 PA 45, MCL 752.863A (RECKLESS DISCHARGE OF A FIREARM).

(xxxvii) A VIOLATION OF A LAW OF THE UNITED STATES, ANOTHER STATE, OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (xxxvi).

(I) THE APPLICANT HAS NOT BEEN CONVICTED OF ANY OTHER MISDEMEANOR IN THIS STATE OR ELSEWHERE, IN THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION.

(J) THE APPLICANT HAS NOT BEEN FOUND GUILTY BUT MENTALLY ILL OF ANY CRIME AND HAS NOT OFFERED A PLEA OF NOT GUILTY OF, OR BEEN ACQUITTED OF, ANY CRIME BY REASON OF INSANITY.

(K) THE APPLICANT HAS NEVER BEEN SUBJECT TO AN ORDER OF INVOLUNTARY COMMITMENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO MENTAL ILLNESS.

(L) THE APPLICANT DOES NOT HAVE A DIAGNOSED MENTAL ILLNESS AT THE TIME THE APPLICATION IS MADE REGARDLESS OF WHETHER HE OR SHE IS RECEIVING TREATMENT FOR THAT ILLNESS.

(M) THE APPLICANT IS NOT UNDER A COURT ORDER OF LEGAL INCAPACITY IN THIS STATE OR ELSEWHERE.

(N) THE APPLICANT HAS KNOWLEDGE AND HAS HAD TRAINING IN THE SAFE USE AND HANDLING OF A PISTOL BY THE SUCCESSFUL COMPLETION OF A PISTOL SAFETY TRAINING COURSE OR CLASS THAT MEETS THE REQUIREMENTS OF SECTION 5J, AND THAT IS AVAILABLE TO THE GENERAL PUBLIC AND PRESENTED BY A LAW ENFORCEMENT AGENCY, JUNIOR OR COMMUNITY COLLEGE, COLLEGE, OR PUBLIC OR PRIVATE INSTITUTION OR ORGANIZATION OR FIREARMS TRAINING SCHOOL.

(O) ISSUING A LICENSE TO THE APPLICANT TO CARRY A CONCEALED PISTOL IN THIS STATE IS NOT DETRIMENTAL TO THE SAFETY OF THE APPLICANT OR TO ANY OTHER INDIVIDUAL. A DETERMINATION UNDER THIS SUBDIVISION SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE OF CIVIL INFRACTIONS, CRIMES, PERSONAL PROTECTION ORDERS OR INJUNCTIONS, OR POLICE REPORTS OR OTHER CLEAR AND CONVINCING EVIDENCE OF THE ACTIONS OF, OR STATEMENTS OF, THE APPLICANT THAT BEAR DIRECTLY ON THE APPLICANT'S ABILITY TO CARRY A CONCEALED PISTOL.

(8) UPON ENTRY OF A COURT ORDER OR CONVICTION OF 1 OF THE ENUMERATED PROHIBITIONS FOR USING, TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING OR DISTRIBUTING A FIREARM IN THIS SECTION THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER THE ORDER OR CONVICTION INTO THE LAW ENFORCEMENT INFORMATION NETWORK. FOR PURPOSES OF THIS ACT, INFORMATION OF THE COURT ORDER OR CONVICTION SHALL NOT BE REMOVED FROM THE LAW ENFORCEMENT INFORMATION NETWORK, BUT MAY BE MOVED TO A SEPARATE FILE INTENDED FOR THE USE OF THE COUNTY CONCEALED WEAPON LICENSING BOARDS, THE COURTS, AND OTHER GOVERNMENT ENTITIES AS NECESSARY AND EXCLUSIVELY TO DETERMINE ELIGIBILITY TO BE LICENSED UNDER THIS ACT.

(9) BEFORE SUBMITTING AN APPLICATION UNDER THIS SECTION, THE INDIVIDUAL SHALL HAVE 2 SETS OF CLASSIFIABLE FINGERPRINTS TAKEN BY THE COUNTY SHERIFF. A SHERIFF MAY CHARGE A FEE FOR THE ACTUAL AND REASONABLE COSTS OF TAKING THE FINGERPRINTS, BUT NOT MORE THAN \$15.00.

(10) THE COUNTY SHERIFF SHALL TAKE THE FINGERPRINTS OF AN INDIVIDUAL WITHIN THE EXPIRATION OF 5 BUSINESS DAYS AFTER THE INDIVIDUAL REQUESTS HIS OR HER FINGERPRINTS TO BE TAKEN UNDER SUBSECTION (9).

(11) ONE SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (9) SHALL BE TAKEN ON A FORM FURNISHED BY THE DEPARTMENT OF STATE POLICE AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET OF FINGERPRINTS SHALL BE FORWARDED IMMEDIATELY BY THE COUNTY SHERIFF TO THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF STATE POLICE SHALL COMPARE THAT SET OF FINGERPRINTS WITH FINGERPRINTS ALREADY ON FILE WITH THE DEPARTMENT OF STATE POLICE. THE OTHER SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (9) SHALL BE TAKEN ON A FORM FURNISHED BY THE FEDERAL BUREAU OF INVESTIGATION AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET OF FINGERPRINTS SHALL BE FORWARDED IMMEDIATELY BY THE COUNTY SHERIFF TO THE DEPARTMENT OF STATE POLICE WHO SHALL FORWARD THAT SET OF FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION OR AN ENTITY DESIGNATED BY THE FEDERAL BUREAU OF INVESTIGATION TO RECEIVE THOSE FINGERPRINTS. THE REQUEST SHALL STATE THAT THE DEPARTMENT OF STATE POLICE IS TO BE PROVIDED WITH THE REPORT OF THE COMPARISON. THE DEPARTMENT OF STATE POLICE SHALL WITHIN 10 DAYS AFTER RECEIVING THE REPORT PROVIDE A COPY OF BOTH COMPARISONS TO THE COUNTY SHERIFF WHO TOOK THE FINGERPRINTS AND TO THE CONCEALED WEAPON LICENSING BOARD OF THE COUNTY IN WHICH THE APPLICANT RESIDES. THE CONCEALED WEAPON LICENSING BOARD SHALL NOT ISSUE A CONCEALED WEAPON LICENSE UNDER THIS SECTION TO AN APPLICANT UNTIL THE CONCEALED WEAPON LICENSING BOARD HAS RECEIVED THE FINGERPRINT COMPARISON REPORTS REQUIRED UNDER THIS SUBSECTION. THE CONCEALED WEAPON LICENSING BOARD IS NOT REQUIRED TO ISSUE A CONCEALED WEAPONS LICENSE TO AN APPLICANT IF THAT APPLICANT'S FINGERPRINTS ARE DETERMINED TO BE UNCLASSIFIABLE BY THE FEDERAL BUREAU OF INVESTIGATION.

(12) THE CONCEALED WEAPON LICENSING BOARD SHALL DENY A LICENSE TO AN APPLICANT TO CARRY A CONCEALED PISTOL IF THE APPLICANT IS NOT QUALIFIED UNDER SUBSECTION (7) TO RECEIVE THAT LICENSE.

(13) A LICENSE TO CARRY A CONCEALED PISTOL THAT IS ISSUED BASED UPON AN APPLICATION THAT CONTAINS A MATERIAL FALSE STATEMENT IS VOID FROM THE DATE THE LICENSE IS ISSUED.

(14) SUBJECT TO SUBSECTIONS (11) AND (15), THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE OR DENY ISSUANCE OF A LICENSE WITHIN 30 DAYS AFTER THE CONCEALED WEAPON LICENSING BOARD RECEIVES THE FINGERPRINT COMPARISON REPORT PROVIDED UNDER SUBSECTION (11). IF THE CONCEALED WEAPON LICENSING BOARD DENIES ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, THE CONCEALED WEAPON LICENSING BOARD SHALL WITHIN 5 BUSINESS DAYS DO BOTH OF THE FOLLOWING:

(A) INFORM THE APPLICANT IN WRITING OF THE REASONS FOR THE DENIAL. INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE ALL OF THE FOLLOWING:

(i) A STATEMENT OF THE SPECIFIC AND ARTICULABLE FACTS SUPPORTING THE DENIAL.
(ii) COPIES OF ANY WRITINGS, PHOTOGRAPHS, RECORDS, OR OTHER DOCUMENTARY EVIDENCE UPON WHICH THE DENIAL IS BASED.

(B) INFORM THE APPLICANT IN WRITING OF HIS OR HER RIGHT TO APPEAL THE DENIAL TO THE CIRCUIT COURT AS PROVIDED IN SECTION 5D.

(15) IF THE FINGERPRINT COMPARISON REPORT IS NOT RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD WITHIN 30 DAYS AFTER THE FINGERPRINT REPORT IS FORWARDED TO THE DEPARTMENT OF STATE POLICE BY THE FEDERAL BUREAU OF INVESTIGATION, THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE A TEMPORARY LICENSE TO CARRY A CONCEALED PISTOL TO THE APPLICANT IF THE APPLICANT IS OTHERWISE QUALIFIED FOR A LICENSE. A TEMPORARY LICENSE ISSUED UNDER THIS SECTION IS VALID FOR 180 DAYS OR UNTIL THE CONCEALED WEAPON LICENSING BOARD RECEIVES THE FINGERPRINT COMPARISON REPORT PROVIDED UNDER SUBSECTION (11) AND ISSUES OR DENIES ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL AS OTHERWISE PROVIDED UNDER THIS ACT. UPON ISSUANCE OR THE DENIAL OF ISSUANCE OF THE LICENSE TO CARRY A CONCEALED PISTOL TO AN APPLICANT WHO RECEIVED A TEMPORARY LICENSE UNDER THIS SECTION, THE APPLICANT SHALL IMMEDIATELY SURRENDER THE TEMPORARY LICENSE TO THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THAT TEMPORARY LICENSE.

(16) AS USED IN THIS SECTION:

(A) "CONVICTED" MEANS A FINAL CONVICTION, THE PAYMENT OF A FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE COURT, OR A FINDING OF GUILT FOR A CRIMINAL LAW VIOLATION OR A JUVENILE ADJUDICATION OR DISPOSITION BY THE JUVENILE DIVISION OF PROBATE COURT OR FAMILY DIVISION OF CIRCUIT COURT FOR A VIOLATION THAT IF COMMITTED BY AN ADULT WOULD BE A CRIME.

(B) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 761.1, OR A VIOLATION OF A LAW OF THE UNITED STATES OR ANOTHER STATE THAT IS DESIGNATED AS A FELONY OR THAT IS PUNISHABLE BY DEATH OR BY IMPRISONMENT FOR MORE THAN 1 YEAR.

(C) "MENTAL ILLNESS" MEANS A SUBSTANTIAL DISORDER OF THOUGHT OR MOOD THAT SIGNIFICANTLY IMPAIRS JUDGMENT, BEHAVIOR, CAPACITY TO RECOGNIZE REALITY, OR ABILITY TO COPE WITH THE ORDINARY DEMANDS OF LIFE, AND INCLUDES, BUT IS NOT LIMITED TO, CLINICAL DEPRESSION.

(D) "MISDEMEANOR" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE OR VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A VIOLATION OF A PENAL LAW OF THIS STATE THAT IS NOT A FELONY OR A VIOLATION OF AN ORDER, RULE, OR REGULATION OF A STATE AGENCY THAT IS PUNISHABLE BY IMPRISONMENT OR A FINE THAT IS NOT A CIVIL FINE, OR BOTH.

(E) "TREATMENT" MEANS CARE OR ANY THERAPEUTIC SERVICE, INCLUDING, BUT NOT LIMITED TO, THE ADMINISTRATION OF A DRUG, AND ANY OTHER SERVICE FOR THE TREATMENT OF A MENTAL ILLNESS.

SEC. 5C. (1) A LICENSE TO CARRY A CONCEALED PISTOL SHALL BE IN A FORM PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE LICENSE SHALL CONTAIN ALL OF THE FOLLOWING:

(A) THE LICENSEE'S FULL NAME, DATE OF BIRTH, AND STREET ADDRESS.

(B) A PHOTOGRAPH AND A PHYSICAL DESCRIPTION OF THE LICENSEE.

(C) A STATEMENT OF THE EFFECTIVE DATES OF THE LICENSE.

(2) SUBJECT TO SECTION 5c AND EXCEPT AS OTHERWISE PROVIDED BY LAW, A LICENSE TO CARRY A CONCEALED PISTOL ISSUED BY THE COUNTY CONCEALED WEAPON LICENSING BOARD AUTHORIZES THE LICENSEE TO DO ALL OF THE FOLLOWING:

(A) CARRY A PISTOL CONCEALED ON OR ABOUT HIS OR HER PERSON ANYWHERE IN THIS STATE.

(B) CARRY A PISTOL IN A VEHICLE, WHETHER CONCEALED OR NOT CONCEALED, ANYWHERE IN THIS STATE.

SEC. 5D. (1) IF THE CONCEALED WEAPON LICENSING BOARD DENIES ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, OR FAILS TO ISSUE THAT LICENSE AS PROVIDED IN THIS ACT, THE APPLICANT MAY APPEAL THE DENIAL OR THE FAILURE TO ISSUE THE LICENSE TO THE CIRCUIT COURT IN THE JUDICIAL CIRCUIT IN WHICH HE OR SHE RESIDES. THE APPEAL OF THE DENIAL OR FAILURE TO ISSUE A LICENSE SHALL BE DETERMINED BY A REVIEW OF THE RECORD FOR ERROR, EXCEPT THAT IF THE DECISION OF THE CONCEALED WEAPON LICENSING BOARD WAS BASED UPON GROUNDS SPECIFIED IN SECTION 5B(7)(O) THAT PORTION OF THE APPEAL SHALL BE BY HEARING DE NOVO. WITNESSES IN THE HEARING SHALL BE SWORN. A JURY SHALL NOT BE PROVIDED IN A HEARING UNDER THIS SECTION. A VERBATIM RECORD SHALL BE MADE.

(2) IF THE COURT DETERMINES THAT THE DENIAL OR FAILURE TO ISSUE A LICENSE WAS CLEARLY ERRONEOUS, THE COURT SHALL ORDER THE CONCEALED WEAPON LICENSING BOARD TO ISSUE A LICENSE AS REQUIRED BY THIS ACT.

(3) IF THE COURT DETERMINES THAT THE DECISION OF THE CONCEALED WEAPON LICENSING BOARD TO DENY ISSUANCE OF A LICENSE TO AN APPLICANT WAS ARBITRARY AND CAPRICIOUS, THE COURT SHALL ORDER THIS STATE TO PAY 1/3 AND THE COUNTY IN WHICH THE CONCEALED WEAPON LICENSING BOARD IS LOCATED TO PAY 2/3 OF THE ACTUAL COSTS AND ACTUAL ATTORNEY FEES OF THE APPLICANT IN APPEALING THE DENIAL.

(4) IF THE COURT DETERMINES THAT AN APPLICANT'S APPEAL WAS FRIVOLOUS, THE COURT SHALL ORDER THE APPLICANT TO PAY THE ACTUAL COSTS AND ACTUAL ATTORNEY FEES OF THE CONCEALED WEAPON LICENSING BOARD IN RESPONDING TO THE APPEAL.

SEC. 5E. (1) THE DEPARTMENT OF STATE POLICE SHALL CREATE AND MAINTAIN A COMPUTERIZED DATABASE OF INDIVIDUALS WHO APPLY UNDER THIS ACT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE DATABASE SHALL CONTAIN ONLY THE FOLLOWING INFORMATION AS TO EACH INDIVIDUAL:

(A) THE INDIVIDUAL'S NAME, DATE OF BIRTH, ADDRESS, AND COUNTY OF RESIDENCE.

(B) IF THE INDIVIDUAL IS LICENSED TO CARRY A CONCEALED PISTOL IN THIS STATE, THE LICENSE NUMBER AND DATE OF EXPIRATION.

(C) EXCEPT AS PROVIDED IN SUBSECTION (2), IF THE INDIVIDUAL WAS DENIED A LICENSE TO CARRY A CONCEALED PISTOL AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, A STATEMENT OF THE REASONS FOR THAT DENIAL.

(D) A STATEMENT OF ALL CRIMINAL CHARGES PENDING AND CRIMINAL CONVICTIONS OBTAINED AGAINST THE INDIVIDUAL DURING THE LICENSE PERIOD.

(E) A STATEMENT OF ALL DETERMINATIONS OF RESPONSIBILITY FOR CIVIL INFRACTIONS OF THIS ACT PENDING OR OBTAINED AGAINST THE INDIVIDUAL DURING THE LICENSE PERIOD.

(2) IF AN INDIVIDUAL WHO WAS DENIED A LICENSE TO CARRY A CONCEALED PISTOL AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IS SUBSEQUENTLY ISSUED A LICENSE TO CARRY A CONCEALED PISTOL, THE DEPARTMENT OF STATE POLICE SHALL DELETE FROM THE COMPUTERIZED DATABASE THE PREVIOUS REASONS FOR THE DENIAL.

(3) THE DEPARTMENT OF STATE POLICE SHALL ENTER THE INFORMATION DESCRIBED IN SUBSECTION (1)(A) AND (B) INTO THE LAW ENFORCEMENT INFORMATION NETWORK.

(4) INFORMATION IN THE DATABASE, COMPILED UNDER SUBSECTIONS (1) THROUGH (3), IS CONFIDENTIAL, IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT OR FOR LAW ENFORCEMENT PURPOSES. THE INFORMATION COMPILED UNDER SUBSECTION (5) IS SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(5) THE DEPARTMENT OF STATE POLICE SHALL FILE AN ANNUAL REPORT WITH THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES SETTING FORTH ALL OF THE FOLLOWING INFORMATION FOR EACH COUNTY CONCEALED WEAPON LICENSING BOARD:

(A) THE NUMBER OF CONCEALED PISTOL APPLICATIONS RECEIVED.

(B) THE NUMBER OF CONCEALED PISTOL LICENSES ISSUED.

(C) THE NUMBER OF CONCEALED PISTOL LICENSES DENIED.

(D) CATEGORIES FOR DENIAL UNDER SUBDIVISION (C).

(E) THE NUMBER OF CONCEALED PISTOL LICENSES REVOKED.

(F) CATEGORIES FOR REVOCATION UNDER SUBDIVISION (E).

(G) THE NUMBER OF APPLICATIONS PENDING AT THE TIME THE REPORT IS MADE.

(H) THE MEAN AND MEDIAN AMOUNT OF TIME AND THE LONGEST AND SHORTEST AMOUNT OF TIME USED BY THE FEDERAL BUREAU OF INVESTIGATION TO SUPPLY THE FINGERPRINT COMPARISON REPORT REQUIRED IN SECTION 5B(11). THE DEPARTMENT MAY USE A STATISTICALLY SIGNIFICANT SAMPLE TO COMPLY WITH THIS SUBDIVISION.

(I) THE NUMBER OF CHARGES OF STATE CIVIL INFRACTIONS OF THIS ACT OR CHARGES OF CRIMINAL VIOLATIONS, CATEGORIZED BY OFFENSE, FILED AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL THAT RESULTED IN A FINDING OF RESPONSIBILITY OR A CRIMINAL CONVICTION. THE REPORT SHALL INDICATE THE NUMBER OF CRIMES IN EACH CATEGORY OF CRIMINAL OFFENSE THAT INVOLVED THE BRANDISHING OR USE OF A PISTOL, THE NUMBER THAT INVOLVED THE CARRYING OF A PISTOL BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME, AND THE NUMBER IN WHICH NO PISTOL WAS CARRIED BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME.

(J) THE NUMBER OF PENDING CRIMINAL CHARGES, CATEGORIZED BY OFFENSE, AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL.

(K) THE NUMBER OF CRIMINAL CASES DISMISSED, CATEGORIZED BY OFFENSE, AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL.

(I) THE NUMBER OF CASES FILED AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL FOR CRIMINAL VIOLATIONS THAT RESULTED IN A FINDING OF NOT RESPONSIBLE OR NOT GUILTY, CATEGORIZED BY OFFENSE.

(M) FOR THE PURPOSES OF SUBDIVISIONS (I), (J), (K), AND (I), THE DEPARTMENT OF STATE POLICE SHALL USE THE DATA PROVIDED UNDER SECTION 5M.

(N) THE NUMBER OF SUICIDES BY INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL.

(O) ACTUAL COSTS INCURRED PER PERMIT FOR EACH COUNTY.

SEC. 5F. (1) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL SHALL HAVE HIS OR HER LICENSE TO CARRY THAT PISTOL IN HIS OR HER POSSESSION AT ALL TIMES HE OR SHE IS CARRYING A CONCEALED PISTOL.

(2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL SHALL SHOW BOTH OF THE FOLLOWING TO A PEACE OFFICER UPON REQUEST BY THAT PEACE OFFICER:

(A) HIS OR HER LICENSE TO CARRY A CONCEALED PISTOL.

(B) HIS OR HER DRIVER LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD.

(3) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL WHO IS STOPPED BY A PEACE OFFICER SHALL DISCLOSE TO THE PEACE OFFICER THAT HE OR SHE IS CARRYING A PISTOL CONCEALED UPON HIS OR HER PERSON OR IN HIS OR HER VEHICLE.

(4) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) OR (2) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$100.00.

(5) AN INDIVIDUAL WHO VIOLATES SUBSECTION (3) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED AS FOLLOWS:

(A) FOR A FIRST OFFENSE, BY A FINE OF NOT MORE THAN \$500.00 OR BY THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL BEING SUSPENDED FOR 6 MONTHS, OR BOTH.

(B) FOR A SECOND OR SUBSEQUENT OFFENSE, BY A FINE OF NOT MORE THAN \$1,000.00 AND BY THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL BEING REVOKED.

(6) IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR A CIVIL INFRACTION UNDER THIS SECTION, THE COURT SHALL NOTIFY THE DEPARTMENT OF STATE POLICE AND THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE OF THAT DETERMINATION.

(7) A PISTOL CARRIED IN VIOLATION OF THIS SECTION IS SUBJECT TO IMMEDIATE SEIZURE BY A PEACE OFFICER. IF A PEACE OFFICER SEIZES A PISTOL UNDER THIS SUBSECTION, THE INDIVIDUAL HAS 45 DAYS IN WHICH TO DISPLAY HIS OR HER LICENSE OR DOCUMENTATION TO AN AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT ENTITY THAT EMPLOYS THE PEACE OFFICER. IF THE INDIVIDUAL DISPLAYS HIS OR HER LICENSE OR DOCUMENTATION TO AN AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT ENTITY THAT EMPLOYS THE PEACE OFFICER WITHIN THE 45-DAY PERIOD, THE AUTHORIZED EMPLOYEE OF THAT LAW ENFORCEMENT ENTITY SHALL RETURN THE PISTOL TO THE INDIVIDUAL UNLESS THE INDIVIDUAL IS PROHIBITED BY LAW FROM POSSESSING A FIREARM. IF THE INDIVIDUAL DOES NOT DISPLAY HIS OR HER LICENSE OR DOCUMENTATION BEFORE THE EXPIRATION OF THE 45-DAY PERIOD, THE PISTOL IS SUBJECT TO FORFEITURE AS PROVIDED IN SECTION 5G. A PISTOL IS NOT SUBJECT TO IMMEDIATE SEIZURE UNDER THIS SUBSECTION IF BOTH OF THE FOLLOWING CIRCUMSTANCES EXIST:

(A) THE INDIVIDUAL HAS HIS OR HER DRIVER LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD IN HIS OR HER POSSESSION WHEN THE VIOLATION OCCURS.

(B) THE PEACE OFFICER VERIFIES THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE INDIVIDUAL IS LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL.

SEC. 5G. A PISTOL CARRIED IN VIOLATION OF THIS ACT IS SUBJECT TO SEIZURE AND FORFEITURE IN THE SAME MANNER THAT PROPERTY IS SUBJECT TO SEIZURE AND FORFEITURE UNDER SECTIONS 4701 TO 4709 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701 TO 600.4709. THIS SECTION DOES NOT APPLY IF THE VIOLATION IS A STATE CIVIL INFRACTION UNDER SECTION 5F UNLESS THE INDIVIDUAL FAILS TO PRESENT HIS OR HER LICENSE WITHIN THE 45-DAY PERIOD DESCRIBED IN THAT SECTION.

SEC. 5H. (1) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CONCEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION MAY CARRY A CONCEALED PISTOL UNDER THAT LICENSE UNTIL THE LICENSE EXPIRES OR THE INDIVIDUAL'S AUTHORITY TO CARRY A CONCEALED PISTOL UNDER THAT LICENSE IS OTHERWISE TERMINATED, WHICHEVER OCCURS FIRST.

(2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION MAY APPLY FOR A RENEWAL LICENSE UPON THE EXPIRATION OF THAT LICENSE AS PROVIDED IN SECTION 5I.

SEC. 5I. (1) A PERSON OR ENTITY THAT PROVIDES INSTRUCTION OR TRAINING TO ANOTHER PERSON UNDER SECTION 5B IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGES TO ANY PERSON OR PROPERTY CAUSED BY THE PERSON WHO WAS TRAINED.

(2) THIS SECTION DOES NOT APPLY IF THE PERSON OR ENTITY PROVIDING THE INSTRUCTION OR TRAINING WAS GROSSLY NEGLIGENT.

(3) THIS SECTION IS IN ADDITION TO AND NOT IN LIEU OF IMMUNITY OTHERWISE PROVIDED BY LAW.

SEC. 5J. (1) A PISTOL TRAINING OR SAFETY PROGRAM DESCRIBED IN SECTION 5B(7)(N) MEETS THE REQUIREMENTS FOR KNOWLEDGE OR TRAINING IN THE SAFE USE AND HANDLING OF A PISTOL ONLY IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(A) THE PROGRAM IS CERTIFIED BY THIS STATE OR A NATIONAL OR STATE FIREARMS TRAINING ORGANIZATION AND PROVIDES INSTRUCTION IN, BUT IS NOT LIMITED TO PROVIDING INSTRUCTION IN, ALL OF THE FOLLOWING:

(i) THE SAFE STORAGE, USE, AND HANDLING OF A PISTOL INCLUDING, BUT NOT LIMITED TO, SAFE STORAGE, USE, AND HANDLING TO PROTECT CHILD SAFETY.

(ii) AMMUNITION KNOWLEDGE, AND THE FUNDAMENTALS OF PISTOL SHOOTING.

(iii) PISTOL SHOOTING POSITIONS.

(iv) FIREARMS AND THE LAW, INCLUDING CIVIL LIABILITY ISSUES.

(v) AVOIDING CRIMINAL ATTACK AND CONTROLLING A VIOLENT CONFRONTATION.

(vi) ALL LAWS THAT APPLY TO CARRYING A CONCEALED PISTOL IN THIS STATE.

(vii) AT LEAST 8 HOURS OF INSTRUCTION, INCLUDING 3 HOURS OF FIRING RANGE TIME.

(B) THE PROGRAM PROVIDES A CERTIFICATE OF COMPLETION THAT STATES THE PROGRAM COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AND THAT THE INDIVIDUAL SUCCESSFULLY COMPLETED THE COURSE, AND THAT IS SIGNED BY THE COURSE INSTRUCTOR.

(C) THE INSTRUCTOR OF THE COURSE IS CERTIFIED BY THIS STATE OR A NATIONAL ORGANIZATION TO TEACH THE 8-HOUR PISTOL SAFETY TRAINING COURSE DESCRIBED IN THIS SECTION.

(2) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

(A) GRANT A CERTIFICATE OF COMPLETION DESCRIBED UNDER SUBSECTION (1)(B) TO AN INDIVIDUAL KNOWING THE INDIVIDUAL DID NOT SATISFACTORILY COMPLETE THE COURSE.

(B) PRESENT A CERTIFICATE OF COMPLETION DESCRIBED UNDER SUBSECTION (1)(B) TO A CONCEALED WEAPON LICENSING BOARD KNOWING THAT THE INDIVIDUAL DID NOT SATISFACTORILY COMPLETE THE COURSE.

(3) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

SEC. 5K. (1) ACCEPTANCE OF A LICENSE ISSUED UNDER THIS ACT TO CARRY A CONCEALED PISTOL CONSTITUTES IMPLIED CONSENT TO SUBMIT TO A CHEMICAL ANALYSIS UNDER THIS SECTION. THIS SECTION ALSO APPLIES TO INDIVIDUALS LISTED IN SECTION 12A(A) TO (F).

(2) AN INDIVIDUAL SHALL NOT CARRY A CONCEALED PISTOL WHILE HE OR SHE IS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE OR WHILE HAVING A BODILY ALCOHOL CONTENT PROHIBITED UNDER THIS SECTION. A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION OR GUILTY OF A CRIME AS FOLLOWS:

(A) IF THE PERSON WAS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINATION OF ALCOHOLIC LIQUOR AND A CONTROLLED SUBSTANCE, OR HAD A BODILY ALCOHOL CONTENT OF .10 OR MORE GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR \$100.00, OR BOTH. THE COURT SHALL ORDER THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A LICENSE TO CARRY A CONCEALED PISTOL TO PERMANENTLY REVOKE THE LICENSE. THE CONCEALED WEAPON LICENSING BOARD SHALL PERMANENTLY REVOKE THE LICENSE AS ORDERED BY THE COURT.

(B) IF THE PERSON HAD A BODILY ALCOHOL CONTENT OF .08 OR MORE BUT LESS THAN .10 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR \$100.00, OR BOTH. THE COURT MAY ORDER THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A LICENSE TO CARRY A CONCEALED PISTOL TO REVOKE THE LICENSE FOR NOT MORE THAN 3 YEARS. THE CONCEALED WEAPON LICENSING BOARD SHALL REVOKE THE LICENSE AS ORDERED BY THE COURT.

(C) IF THE PERSON HAD A BODILY ALCOHOL CONTENT OF .02 OR MORE BUT LESS THAN .08 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDIVIDUAL IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$100.00. THE COURT MAY ORDER THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL THE LICENSE TO REVOKE THE LICENSE FOR 1 YEAR. THE CONCEALED WEAPON LICENSING BOARD SHALL REVOKE THE LICENSE AS ORDERED BY THE COURT. THE COURT SHALL NOTIFY THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A LICENSE TO CARRY A CONCEALED PISTOL IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR A SUBSEQUENT VIOLATION OF THIS SUBDIVISION.

(3) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL WHO HAS ANY BODILY ALCOHOL CONTENT FROM TRANSPORTING THAT PISTOL IN THE LOCKED TRUNK OF HIS OR HER MOTOR VEHICLE OR ANOTHER MOTOR VEHICLE IN WHICH HE OR SHE IS A PASSENGER OR, IF THE VEHICLE DOES NOT HAVE A TRUNK, FROM TRANSPORTING THAT PISTOL UNLOADED IN A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR THAT PISTOL OR ON A VESSEL IF THE PISTOL IS TRANSPORTED UNLOADED IN A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR THAT PISTOL.

(4) A PEACE OFFICER WHO HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL IS CARRYING A CONCEALED PISTOL IN VIOLATION OF THIS SECTION MAY REQUIRE THE INDIVIDUAL TO SUBMIT TO A CHEMICAL ANALYSIS OF HIS OR HER BREATH, BLOOD, OR URINE.

(5) BEFORE AN INDIVIDUAL IS REQUIRED TO SUBMIT TO A CHEMICAL ANALYSIS UNDER SUBSECTION (4), THE PEACE OFFICER SHALL INFORM THE INDIVIDUAL OF ALL OF THE FOLLOWING:

(A) THE INDIVIDUAL MAY REFUSE TO SUBMIT TO THE CHEMICAL ANALYSIS, BUT IF HE OR SHE CHOOSES TO DO SO, ALL OF THE FOLLOWING APPLY:

(i) THE OFFICER MAY OBTAIN A COURT ORDER REQUIRING THE INDIVIDUAL TO SUBMIT TO A CHEMICAL ANALYSIS.

(ii) THE REFUSAL MAY RESULT IN HIS OR HER LICENSE TO CARRY A CONCEALED PISTOL BEING SUSPENDED OR REVOKED.

(B) IF THE INDIVIDUAL SUBMITS TO THE CHEMICAL ANALYSIS, HE OR SHE MAY OBTAIN A CHEMICAL ANALYSIS DESCRIBED IN SUBSECTION (4) FROM A PERSON OF HIS OR HER OWN CHOOSING.

(6) THE COLLECTION AND TESTING OF BREATH, BLOOD, AND URINE SPECIMENS UNDER THIS SECTION SHALL BE CONDUCTED IN THE SAME MANNER THAT BREATH, BLOOD, AND URINE SPECIMENS ARE COLLECTED AND TESTED FOR ALCOHOL- AND CONTROLLED-SUBSTANCE-RELATED DRIVING VIOLATIONS UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

(7) IF A PERSON REFUSES TO TAKE A CHEMICAL TEST AUTHORIZED UNDER THIS SECTION, THE PEACE OFFICER SHALL PROMPTLY REPORT THE REFUSAL IN WRITING TO THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED PISTOL.

(8) IF A PERSON TAKES A CHEMICAL TEST AUTHORIZED UNDER THIS SECTION AND THE TEST RESULTS INDICATE THAT THE INDIVIDUAL HAD ANY BODILY ALCOHOL CONTENT WHILE CARRYING A CONCEALED PISTOL, THE PEACE OFFICER SHALL PROMPTLY REPORT THE VIOLATION IN WRITING TO THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED PISTOL.

(9) AS USED IN THIS SECTION:

(A) "ALCOHOLIC LIQUOR" MEANS THAT TERM AS DEFINED IN SECTION 105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1105.

(B) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401.

SEC. 5I. (1) A LICENSE TO CARRY A CONCEALED PISTOL IS VALID FOR 3 YEARS AND MAY BE RENEWED IN THE SAME MANNER AS THE ORIGINAL LICENSE WAS RECEIVED, EXCEPT AS FOLLOWS:

(A) THE RENEWAL FEE IS \$35.00. THE FEE SHALL BE PAYABLE TO THE COUNTY. THE COUNTY TREASURER SHALL DEPOSIT THE FEE IN THE GENERAL FUND OF THE COUNTY.

(B) FOR AN INDIVIDUAL WHO HELD A GENERAL NONRESTRICTED LICENSE ON JULY 1, 2001 AND WHO WAS A PEACE OFFICER OR A FORMER PEACE OFFICER, THE EDUCATIONAL REQUIREMENTS OF SECTION 5B(7)(N) ARE WAIVED. FOR AN INDIVIDUAL LICENSED ON OR AFTER JULY 1, 2001, THE EDUCATIONAL REQUIREMENTS OF SECTION 5B(7)(N) ARE WAIVED EXCEPT THAT THE APPLICANT SHALL PRESENT A STATEMENT SIGNED BY THE APPLICANT CERTIFYING THAT HE OR SHE HAS COMPLETED NOT LESS THAN 3 HOURS OF REVIEW OF THE TRAINING DESCRIBED UNDER SECTION 5B(7)(N) SINCE RECEIVING HIS OR HER LICENSE, AND THAT TRAINING INCLUDED FIRING RANGE TIME IN THE 6 MONTHS IMMEDIATELY PRECEDING HIS OR HER RENEWAL APPLICATION. FOR ANY OTHER

INDIVIDUAL LICENSED BEFORE JULY 1, 2001 APPLYING FOR THE FIRST TIME UNDER THIS SECTION TO RENEW HIS OR HER LICENSE TO CARRY A CONCEALED PISTOL, THE EDUCATIONAL REQUIREMENTS OF SECTION 5B(7)(N) ARE NOT WAIVED.

(2) AN INDIVIDUAL LICENSED TO CARRY A CONCEALED PISTOL UNDER THIS ACT ON JULY 1, 2001 IS ELIGIBLE FOR A RENEWAL LICENSE AT THE FEE PROVIDED FOR UNDER THIS SECTION. THIS SUBSECTION APPLIES REGARDLESS OF WHETHER THE LICENSE WAS RESTRICTED.

SEC. 5M. A PROSECUTING ATTORNEY SHALL PROMPTLY NOTIFY THE COUNTY CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE OF A CRIMINAL CHARGE AGAINST A LICENSE HOLDER FOR A FELONY OR SPECIFIED CRIMINAL OFFENSE AS DEFINED IN THIS ACT. THE PROSECUTING ATTORNEY SHALL PROMPTLY NOTIFY THE COUNTY CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE OF THE DISPOSITION OF THE CRIMINAL CHARGE. IF A LICENSE HOLDER IS CONVICTED OF A CRIME, THE PROSECUTING ATTORNEY'S NOTIFICATION SHALL INDICATE IF THE CRIME INVOLVED THE BRANDISHING OR USE OF A PISTOL, IF A PISTOL WAS CARRIED BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME, OR IF NO PISTOL WAS CARRIED BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME. THE STATE POLICE SHALL PROVIDE A FORM FOR REPORTING PURPOSES. EACH YEAR BY A DATE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE, THE CHAIRPERSON OF THE COUNTY CONCEALED WEAPON LICENSING BOARD SHALL COMPILE AND PROVIDE A REPORT TO THE DEPARTMENT OF STATE POLICE IN A FORMAT DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE CONTAINING THE INFORMATION PROVIDED TO THE CONCEALED WEAPON LICENSING BOARD UNDER THIS SECTION, SECTION 5F(6), OR SECTION 5K(7) OR (8).

SEC. 5N. (1) THIS STATE OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE SHALL NOT PROHIBIT AN INDIVIDUAL FROM DOING EITHER OF THE FOLLOWING AS A CONDITION FOR RECEIVING OR MAINTAINING ANY OTHER LICENSE OR PERMIT AUTHORIZED BY LAW:

(A) APPLYING FOR OR RECEIVING A LICENSE TO CARRY A CONCEALED PISTOL UNDER THIS ACT.

(B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE ISSUED UNDER THIS ACT.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3), AN EMPLOYER SHALL NOT PROHIBIT AN EMPLOYEE FROM DOING EITHER OF THE FOLLOWING:

(A) APPLYING FOR OR RECEIVING A LICENSE TO CARRY A CONCEALED PISTOL UNDER THIS ACT.

(B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE ISSUED UNDER THIS ACT. THIS SUBDIVISION DOES NOT PROHIBIT AN EMPLOYER FROM PROHIBITING AN EMPLOYEE FROM CARRYING A CONCEALED PISTOL IN THE COURSE OF HIS OR HER EMPLOYMENT WITH THAT EMPLOYER.

(3) A POLICE AGENCY MAY PROHIBIT AN EMPLOYEE OF THAT POLICE AGENCY FROM CARRYING A CONCEALED PISTOL IF CARRYING A CONCEALED PISTOL WOULD RESULT IN INCREASED INSURANCE PREMIUMS OR A LOSS OR REDUCTION OF INSURANCE COVERAGE FOR THAT EMPLOYER.

SEC. 5o. (1) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION 12A(F), SHALL NOT CARRY A CONCEALED PISTOL ON THE PREMISES OF ANY OF THE FOLLOWING:

(A) A SCHOOL OR SCHOOL PROPERTY EXCEPT THAT A PARENT OR LEGAL GUARDIAN OF A STUDENT OF THE SCHOOL IS NOT PRECLUDED FROM CARRYING A CONCEALED PISTOL WHILE IN A VEHICLE ON SCHOOL PROPERTY, IF HE OR SHE IS DROPPING THE STUDENT OFF AT THE SCHOOL OR PICKING UP THE CHILD FROM THE SCHOOL. AS USED IN THIS SECTION, "SCHOOL" AND "SCHOOL PROPERTY" MEAN THOSE TERMS AS DEFINED IN SECTION 237A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.237A.

(B) A PUBLIC OR PRIVATE DAY CARE CENTER, PUBLIC OR PRIVATE CHILD CARING AGENCY, OR PUBLIC OR PRIVATE CHILD PLACING AGENCY.

(C) A SPORTS ARENA OR STADIUM.

(D) A DINING ROOM, LOUNGE, OR BAR AREA OF A PREMISES LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303. THIS SUBDIVISION SHALL NOT APPLY TO AN OWNER OR EMPLOYEE OF THE PREMISES.

(E) ANY PROPERTY OR FACILITY OWNED OR OPERATED BY A CHURCH, SYNAGOGUE, MOSQUE, TEMPLE, OR OTHER PLACE OF WORSHIP, UNLESS THE PRESIDING OFFICIAL OR OFFICIALS OF THE CHURCH, SYNAGOGUE, MOSQUE, TEMPLE, OR OTHER PLACE OF WORSHIP PERMIT THE CARRYING OF CONCEALED PISTOL ON THAT PROPERTY OR FACILITY.

(F) AN ENTERTAINMENT FACILITY THAT THE INDIVIDUAL KNOWS OR SHOULD KNOW HAS A SEATING CAPACITY OF 2,500 OR MORE INDIVIDUALS OR THAT HAS A SIGN ABOVE EACH PUBLIC ENTRANCE STATING IN LETTERS NOT LESS THAN 1-INCH HIGH A SEATING CAPACITY OF 2,500 OR MORE INDIVIDUALS.

(G) A HOSPITAL.

(H) A DORMITORY OR CLASSROOM OF A COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

(2) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION 12A(F), SHALL NOT CARRY A CONCEALED PISTOL IN VIOLATION OF R 432.1212 OR A SUCCESSOR RULE OF THE MICHIGAN ADMINISTRATIVE CODE PROMULGATED PURSUANT TO THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO 432.226.

(3) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A CIVIL VIOLATION GUILTY OF A CRIME AS FOLLOWS:

(A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE INDIVIDUAL IS RESPONSIBLE FOR A CIVIL VIOLATION AND MAY BE FINED NOT MORE THAN \$500.00. THE COURT SHALL ORDER THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL SUSPENDED FOR 6 MONTHS.

(B) FOR A SECOND VIOLATION THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00. THE COURT SHALL ORDER THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL REVOKED.

(C) FOR A THIRD OR SUBSEQUENT VIOLATION THE INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH. THE COURT SHALL ORDER THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL REVOKED.

SEC. 5V. (1) THE CONCEALED WEAPON ENFORCEMENT FUND IS CREATED IN THE STATE TREASURY.

(2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

(3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

(4) THE DEPARTMENT OF STATE POLICE SHALL EXPEND MONEY FROM THE FUND ONLY TO PROVIDE TRAINING TO LAW ENFORCEMENT PERSONNEL REGARDING THE RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS WHO ARE LICENSED TO CARRY CONCEALED PISTOLS IN THIS STATE AND PROPER ENFORCEMENT TECHNIQUES IN LIGHT OF THOSE RIGHTS AND RESPONSIBILITIES.

SEC. 5W. (1) ONE MILLION DOLLARS IS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF STATE POLICE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001 FOR ALL OF THE FOLLOWING:

(A) DISTRIBUTING TRIGGER LOCKS OR OTHER SAFETY DEVICES FOR FIREARMS TO THE PUBLIC FREE OF CHARGE.

(B) PROVIDING CONCEALED PISTOL APPLICATION KITS TO COUNTY SHERIFFS, LOCAL POLICE AGENCIES, AND COUNTY CLERKS FOR DISTRIBUTION UNDER SECTION 5.

(C) THE FINGERPRINT ANALYSIS AND COMPARISON REPORTS REQUIRED UNDER SECTION 5B(11).

(D) PHOTOGRAPHS REQUIRED UNDER SECTION 5C.

(E) CREATING AND MAINTAINING THE DATABASE REQUIRED UNDER SECTION 5E.

(F) CREATING AND MAINTAINING A DATABASE OF FIREARMS THAT HAVE BEEN REPORTED LOST OR STOLEN. INFORMATION IN THE DATABASE SHALL BE MADE AVAILABLE TO LAW ENFORCEMENT THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK.

(G) GRANTS TO COUNTY CONCEALED WEAPON LICENSING BOARDS FOR EXPENDITURE ONLY TO IMPLEMENT THIS ACT.

(H) TRAINING UNDER SECTION 5V(4).

(I) CREATING AND DISTRIBUTING THE REPORTING FORMS REQUIRED UNDER SECTION 5M.

(J) A PUBLIC SAFETY CAMPAIGN REGARDING THE REQUIREMENTS OF THIS ACT.

(2) PURSUANT TO SECTION 30 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963, TOTAL STATE SPENDING UNDER SUBSECTION (1) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001 IS \$1,000,000.00.

(3) THE APPROPRIATIONS MADE AND THE EXPENDITURES AUTHORIZED UNDER THIS SECTION AND THE DEPARTMENTS, AGENCIES, COMMISSIONS, BOARDS, OFFICES, AND PROGRAMS FOR WHICH AN APPROPRIATION IS MADE UNDER THIS SECTION ARE SUBJECT TO THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1101 TO 18.1594.

Sec. 8. (1) The CONCEALED WEAPON LICENSING board ~~herein created by section 6~~ THAT ISSUED A LICENSE TO AN APPLICANT TO CARRY A CONCEALED PISTOL may revoke ~~any~~ THAT license ~~issued by it upon receiving a certificate of any magistrate showing that such licensee has been convicted of violating any of the provisions of this act, or has been convicted of a felony. Such license may also be revoked whenever in the judgment of said board the~~

~~reason for granting such license shall have ceased to exist, or whenever said board shall for any reasonable cause determine said licensee to be an unfit person to carry a pistol concealed upon his person. No such~~ IF THE BOARD DETERMINES THAT THE INDIVIDUAL COMMITTED ANY VIOLATION OF THIS ACT OTHER THAN A VIOLATION OF SECTION 5F(4) OR IF THE BOARD DETERMINES THAT THE INDIVIDUAL IS NOT ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL. IF THE BOARD DETERMINES THAT THE INDIVIDUAL HAS BEEN FOUND RESPONSIBLE FOR 3 OR MORE STATE CIVIL INFRACTION VIOLATIONS OF THIS ACT DURING THE LICENSE PERIOD, THE BOARD SHALL CONDUCT A HEARING AND MAY SUSPEND THE INDIVIDUAL'S LICENSE FOR NOT MORE THAN 1 YEAR.

(2) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), A license shall NOT be revoked UNDER THIS SECTION except upon written complaint and ~~then only after~~ AN OPPORTUNITY FOR a hearing ~~by said~~ BEFORE THE board. ~~, of which~~ THE BOARD SHALL GIVE THE INDIVIDUAL at least 7 10 days' notice ~~shall be given to the licensee either~~ OF A HEARING UNDER THIS SECTION. THE NOTICE SHALL BE by personal service or by ~~registered~~ CERTIFIED mail DELIVERED to ~~his~~ THE INDIVIDUAL'S last known address.

(3) IF THE CONCEALED WEAPON LICENSING BOARD IS NOTIFIED BY A LAW ENFORCEMENT AGENCY OR PROSECUTING OFFICIAL THAT AN INDIVIDUAL LICENSED TO CARRY A CONCEALED PISTOL IS CHARGED WITH A FELONY OR MISDEMEANOR AS DEFINED IN THIS ACT, THE CONCEALED WEAPON LICENSING BOARD SHALL IMMEDIATELY SUSPEND THE INDIVIDUAL'S LICENSE UNTIL THERE IS A FINAL DISPOSITION OF THE CHARGE FOR THAT OFFENSE AND SEND NOTICE OF THAT SUSPENSION TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS INDICATED IN THE RECORDS OF THE CONCEALED WEAPON LICENSING BOARD. THE NOTICE SHALL INFORM THE INDIVIDUAL THAT HE OR SHE IS ENTITLED TO A PROMPT HEARING ON THE SUSPENSION, AND THE CONCEALED WEAPON LICENSING BOARD SHALL CONDUCT A PROMPT HEARING IF REQUESTED IN WRITING BY THE INDIVIDUAL. THE REQUIREMENTS OF SUBSECTION (2) DO NOT APPLY TO THIS SUBSECTION.

(4) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES BY CLEAR AND CONVINCING EVIDENCE BASED ON SPECIFIC ARTICULABLE FACTS THAT THE APPLICANT POSES A DANGER TO THE APPLICANT OR TO ANY OTHER PERSON, THE CONCEALED WEAPON LICENSING BOARD SHALL IMMEDIATELY SUSPEND THE INDIVIDUAL'S LICENSE PENDING A REVOCATION HEARING UNDER THIS SECTION. THE CONCEALED WEAPON LICENSING BOARD SHALL SEND NOTICE OF THE SUSPENSION TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS INDICATED IN THE RECORDS OF THE CONCEALED WEAPON LICENSING BOARD. THE NOTICE SHALL INFORM THE INDIVIDUAL THAT HE OR SHE IS ENTITLED TO A PROMPT HEARING ON THE SUSPENSION, AND THE CONCEALED WEAPON LICENSING BOARD SHALL CONDUCT A PROMPT HEARING IF REQUESTED IN WRITING BY THE INDIVIDUAL. THE REQUIREMENTS OF SUBSECTION (2) DO NOT APPLY TO THIS SUBSECTION.

(5) IF THE CONCEALED WEAPON LICENSING BOARD ORDERS A LICENSE SUSPENDED OR REVOKED UNDER THIS SECTION OR AMENDS A SUSPENSION OR REVOCATION ORDER, THE CONCEALED WEAPON LICENSING BOARD SHALL IMMEDIATELY NOTIFY A LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN THE COUNTY IN WHICH THE CONCEALED WEAPON LICENSING BOARD IS LOCATED TO ENTER THE ORDER OR AMENDED ORDER INTO THE LAW ENFORCEMENT INFORMATION NETWORK. A LAW ENFORCEMENT AGENCY THAT RECEIVES NOTICE OF AN ORDER OR AMENDED ORDER UNDER THIS SUBSECTION FROM A CONCEALED WEAPON LICENSING BOARD SHALL IMMEDIATELY ENTER THE ORDER OR AMENDED ORDER INTO THE LAW ENFORCEMENT INFORMATION NETWORK AS REQUESTED BY THAT CONCEALED WEAPON LICENSING BOARD.

(6) A SUSPENSION OR REVOCATION ORDER OR AMENDED ORDER ISSUED UNDER THIS SECTION IS IMMEDIATELY EFFECTIVE. HOWEVER, AN INDIVIDUAL IS NOT CRIMINALLY LIABLE FOR VIOLATING THE ORDER OR AMENDED ORDER UNLESS HE OR SHE HAS RECEIVED NOTICE OF THE ORDER OR AMENDED ORDER.

(7) IF AN INDIVIDUAL IS CARRYING A PISTOL IN VIOLATION OF A SUSPENSION OR REVOCATION ORDER OR AMENDED ORDER ISSUED UNDER THIS SECTION BUT HAS NOT PREVIOUSLY RECEIVED NOTICE OF THE ORDER OR AMENDED ORDER, THE INDIVIDUAL SHALL BE INFORMED OF THE ORDER OR AMENDED ORDER AND BE GIVEN AN OPPORTUNITY TO PROPERLY STORE THE PISTOL OR OTHERWISE COMPLY WITH THE ORDER OR AMENDED ORDER BEFORE AN ARREST IS MADE FOR CARRYING THE PISTOL IN VIOLATION OF THIS ACT.

(8) IF A LAW ENFORCEMENT AGENCY OR OFFICER NOTIFIES AN INDIVIDUAL OF A SUSPENSION OR REVOCATION ORDER OR AMENDED ORDER ISSUED UNDER THIS SECTION WHO HAS NOT PREVIOUSLY RECEIVED NOTICE OF THE ORDER OR AMENDED ORDER, THE LAW ENFORCEMENT AGENCY OR OFFICER SHALL ENTER A STATEMENT INTO THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE INDIVIDUAL HAS RECEIVED NOTICE OF THE ORDER OR AMENDED ORDER UNDER THIS SECTION.

(9) The clerk of ~~said~~ THE CONCEALED WEAPON licensing board is ~~hereby~~ authorized to administer an oath to any ~~person~~ INDIVIDUAL testifying before ~~such~~ THE board at ~~any such~~ A hearing UNDER THIS SECTION.

Sec. 12. Sections 2 and 9 do not apply to ~~a duly authorized~~ ANY OF THE FOLLOWING:

(A) A police or correctional agency of the United States or of ~~the~~ THIS state or any subdivision ~~thereof, nor to the~~ OF THIS STATE.

(B) THE UNITED STATES army, air force, navy, or marine corps. ~~of the United States, nor to organizations~~

(C) AN ORGANIZATION authorized by law to purchase or receive weapons from the United States or from this state. ~~, nor to the~~

(D) THE national guard, armed forces reserves, or other duly authorized military ~~organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person~~ ORGANIZATION.

(E) A MEMBER OF AN ENTITY OR ORGANIZATION DESCRIBED IN SUBDIVISIONS (A) TO (D) FOR A PISTOL WHILE ENGAGED IN THE COURSE OF HIS OR HER DUTIES WITH THAT ENTITY OR WHILE GOING TO OR RETURNING FROM THOSE DUTIES.

(F) A UNITED STATES CITIZEN holding a license to carry a pistol concealed upon his OR HER person issued by another state. ~~, nor to the~~

(G) THE regular and ordinary transportation of ~~pistols~~ A PISTOL as merchandise by AN authorized ~~agents~~ AGENT of ~~any~~ A person licensed to manufacture firearms OR A LICENSED DEALER.

Sec. 12a. ~~Section 6 does~~ THE REQUIREMENTS OF THIS ACT FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL DO not apply to ANY OF THE FOLLOWING:

(a) A peace officer of a duly authorized police agency of the United States or of this state or a political subdivision of this state, who is regularly employed and paid by the United States or this state or a subdivision of this state, except ~~that section 6 does apply to a township constable.~~

(b) A constable who is trained and certified ~~pursuant to Act No. 203 of the Public Acts of 1965, as amended, being sections 28.601 to 28.616 of the Michigan Compiled Laws, who is~~ UNDER THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616, WHILE engaged in his or her official duties or going to or coming from his or her official duties, and who is regularly employed and paid by a political subdivision of this state.

(c) A person regularly employed by the department of corrections and authorized in writing by the director of the department of corrections to carry a concealed ~~weapon-concealed~~ PISTOL during the performance of his or her duties or while going to or returning from his or her duties.

(d) A member of the UNITED STATES army, air force, navy, or marine corps ~~of the United States~~ while carrying a ~~weapon~~ CONCEALED PISTOL in THE line of duty.

(e) A member of the national guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while going to or returning from his or her place of assembly or practice or while carrying a ~~weapon used~~ CONCEALED PISTOL for purposes of ~~a~~ THAT military organization.

(f) A ~~person~~ RESIDENT OF ANOTHER STATE WHO IS licensed BY THAT STATE to carry a CONCEALED pistol. ~~concealed upon his or her person issued by another state.~~

(g) The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms.

(h) A person while carrying a pistol unloaded in a wrapper or container in the trunk of his or her vehicle OR, IF THE VEHICLE DOES NOT HAVE A TRUNK, FROM TRANSPORTING THAT PISTOL UNLOADED IN A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR THAT PISTOL from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from 1 place of abode or business to another place of abode or business.

Sec. 14. (1) ~~All~~ SUBJECT TO SECTION 5G, ALL pistols, weapons, or devices carried or possessed contrary to this act are ~~hereby~~ declared forfeited to the state, and shall be turned over to the ~~commissioner~~ DIRECTOR of the ~~Michigan~~ DEPARTMENT OF state police or his OR HER designated representative, for ~~such disposition as said commissioner may prescribe~~ DISPOSAL UNDER THIS SECTION.

(2) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SHALL DISPOSE OF FIREARMS UNDER THIS SECTION BY 1 OF THE FOLLOWING METHODS:

(A) BY CONDUCTING A PUBLIC AUCTION IN WHICH FIREARMS RECEIVED UNDER THIS SECTION MAY BE PURCHASED AT A SALE CONDUCTED IN COMPLIANCE WITH SECTION 4708 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4708, BY INDIVIDUALS AUTHORIZED BY LAW TO POSSESS THOSE FIREARMS.

(B) BY DESTROYING THEM.

(C) BY ANY OTHER LAWFUL MANNER PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

(3) BEFORE DISPOSING OF A FIREARM UNDER THIS SECTION, THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SHALL DO BOTH OF THE FOLLOWING:

(A) DETERMINE THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK WHETHER THE FIREARM HAS BEEN REPORTED LOST OR STOLEN. IF THE FIREARM HAS BEEN REPORTED LOST OR STOLEN AND THE NAME AND ADDRESS OF THE OWNER CAN BE DETERMINED, THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SHALL PROVIDE 30 DAYS' WRITTEN NOTICE OF HIS OR HER INTENT TO DISPOSE OF THE FIREARM UNDER THIS SECTION TO THE OWNER, AND ALLOW THE OWNER TO CLAIM THE FIREARM WITHIN THAT 30-DAY PERIOD IF HE OR SHE IS AUTHORIZED TO POSSESS THE FIREARM.

(B) PROVIDE 30 DAYS' NOTICE TO THE PUBLIC ON THE DEPARTMENT OF STATE POLICE WEBSITE OF HIS OR HER INTENT TO DISPOSE OF THE FIREARM UNDER THIS SECTION. THE NOTICE SHALL INCLUDE A DESCRIPTION OF THE FIREARM AND SHALL STATE THE FIREARM'S SERIAL NUMBER, IF THE SERIAL NUMBER CAN BE DETERMINED. THE DEPARTMENT OF STATE POLICE SHALL ALLOW THE OWNER OF THE FIREARM TO CLAIM THE FIREARM WITHIN THAT 30-DAY PERIOD IF HE OR SHE IS AUTHORIZED TO POSSESS THE FIREARM. THE 30-DAY PERIOD REQUIRED UNDER THIS SUBDIVISION IS IN ADDITION TO THE 30-DAY PERIOD REQUIRED UNDER SUBDIVISION (A).

(4) THE DEPARTMENT OF STATE POLICE IS IMMUNE FROM CIVIL LIABILITY FOR DISPOSING OF A FIREARM IN COMPLIANCE WITH THIS SECTION.

Enacting section 1. Sections 3, 6, 9d, and 12c of 1927 PA 372, MCL 28.423, 28.426, 28.429d, and 28.432c, are repealed.

Enacting section 2. This amendatory act takes effect July 1, 2001.

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

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide for penalties and remedies for violations of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 2000 PA 265 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, 5o, 5v, and 5w; and to repeal acts and parts of acts.

Michael Green
Larry DeVuyst
Conferees for the House

Philip E. Hoffman
Bill Bullard, Jr.
Christopher D. Dingell
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Raczkowski moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members' desks.

The motion prevailed.

The question being on the adoption of the conference report,

Point of Order

Rep. Jacobs requested a ruling from the Chair regarding whether pursuant to Joint Rule 8 the report of the Conference Committee is properly before the House.

The Chair ruled that the Conference Report is properly before the House.

Rep. Jacobs appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present and voting, voting therefor, by yeas and nays, as follows:

Roll Call No. 1110

Yeas—51

Allen
Birkholz

Geiger
Gilbert

Kuipers
LaSata

Rocca
Sanborn

Bisbee	Green	Law	Scranton
Bishop	Hager	Mead	Shackleton
Bradstreet	Hart	Middaugh	Shulman
Brown, C.	Howell	Mortimer	Stamas
Cassis	Jelinek	Pappageorge	Tabor
Caul	Jellema	Patterson	Van Woerkom
DeRossett	Johnson, Rick	Perricone	Vander Roest
DeVuyst	Johnson, Ruth	Pumford	Vear
Ehardt	Julian	Rackowski	Voorhees
Faunce	Koetje	Richardville	Woronchak
Garcia	Kowall	Richner	

Nays—48

Baird	Dennis	LaForge	Rivet
Bogardus	Frank	Lemmons	Schauer
Bovin	Garza	Lockwood	Schermesser
Brater	Gielegem	Mans	Scott
Brewer	Hale	Martinez	Sheltrown
Brown, B.	Hanley	Minore	Stallworth
Byl	Hansen	Neumann	Switalski
Callahan	Hardman	O'Neil	Tesanovich
Cherry	Jacobs	Price	Thomas
Clark, I.	Jamnick	Prusi	Vaughn
Daniels	Kelly	Quarles	Wojno
DeHart	Kilpatrick	Reeves	Woodward

In The Chair: Patterson

Reps. Baird, Jacobs, Callahan and Brater, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted NO on upholding the ruling of the Chair for the following reasons:

House Bill 4530 (CR-1) is not properly before this body because it contains a number of items that were not contained in either the House or Senate versions of this bill, and as such, that are not points of difference. In particular, this conference report contains an appropriation of \$1,000,000 that is to be used for any of a long list of purposes by the State Police. An appropriation was never part of and was never under consideration in either version of this bill prior to its sudden appearance in this conference report. The conference report also adds other provisions that were not points of difference, including the creation of a concealed weapons enforcement fund, new provisions regarding the forfeiture of firearms, and provisions including application kits. The inclusion of items that are not points of difference clearly violates Joint Rule 8 of the House and Senate.

Worse yet, the reason that the proponents of this legislation added this appropriation in violation of our body's rules is inappropriate and insidious. They apparently believe that in doing so they can circumvent Article II, Section 9 of the Michigan Constitution, and silence the voices of the majority of the people of this State.

The Michigan Constitution provides that the people of this state are supposed to have a right of recourse when the Legislature takes legislative action that is contrary to the will of the people of this State. That constitutional right is the right of ‘referendum,’ and this conference report attempts to take away that right through the disingenuous addition of a handful of appropriations into this bill.”

Rep. Switalski, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against sustaining the chair's ruling that consideration of this conference report did not violate the rules of the House. Joint Rule 8 limits conferees to points of difference between the two houses. Yet the conference report

included changes and additions to the bill which were not points of difference between the House and Senate versions. At the 11th hour the conferees changed the bill to make it into an appropriation bill, adding \$1 million, for the sole purpose of eliminating the ability of citizens to petition for a referendum on the law. This subterfuge is a misuse of Article II, Section 9 of the State Constitution. The Chair is wrong to allow the majority to so cynically manipulate both our rules and the Constitution and to grossly violate both their spirit and letter.”

Rep. Dennis, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted NO on upholding the ruling of the Chair for the following reasons:

HB 4530 (CR-1) is not properly before this body because it contains a number of items that were not contained in either the House or Senate versions of this bill, and as such, that are not points of difference. In particular, this conference report contains an appropriation of \$1,000,000 that is to be used for any of a long list of purposes by the State Police. An appropriation was never part of and was never under consideration in either version of this bill prior to its sudden appearance in this conference report. The conference report also adds other provisions that were not points of difference, including the creation of a concealed weapons enforcement fund, new provisions regarding the forfeiture of firearms, and provisions including application kits. The inclusion of items that are not points of difference clearly violates Joint Rule 8 of the House and Senate.

Worse yet, the reason that the proponents of this legislation added this appropriation in violation of our body’s rules is inappropriate and insidious. They apparently believe that in doing so they can circumvent Article II, Section 9 of the Michigan Constitution, and silence the voices of the majority of the people of this State.

The Michigan Constitution provides that the people of this state are supposed to have a right of recourse when the Legislature takes legislative action that is contrary to the will of the people of this State. That constitutional right is the right of ‘referendum,’ and this conference report attempts to take away that right through the disingenuous addition of a handful of appropriations into this bill.”

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1111

Yeas—62

Allen	Garcia	Mead	Sanborn
Birkholz	Geiger	Middaugh	Schauer
Bishop	Gilbert	Mortimer	Schermesser
Bovin	Green	Neumann	Scranton
Bradstreet	Hager	O’Neil	Shackleton
Brown, B.	Hart	Pappageorge	Sheltrown
Brown, C.	Howell	Patterson	Shulman
Cassis	Jelinek	Perricone	Spade
Caul	Johnson, Rick	Prusi	Stamas
DeHart	Johnson, Ruth	Pumford	Tabor
DeRossett	Julian	Rackowski	Van Woerkom
DeVuyst	Koetje	Reeves	Vander Roest
DeWeese	Kowall	Richardville	Vaughn
Ehardt	Kuipers	Rivet	Vear
Faunce	LaSata	Rocca	Voorhees
Frank	Mans		

Nays—39

Baird	Garza	Kelly	Richner
Bisbee	Gielegghem	Kilpatrick	Scott
Brater	Godchaux	LaForge	Stallworth
Brewer	Hale	Law	Switalski

Byl
Callahan
Cherry
Clark, I.
Daniels
Dennis

Hanley
Hansen
Hardman
Jacobs
Jamnick
Jellema

Lemmons
Lockwood
Martinez
Minore
Price
Quarles

Tesanovich
Thomas
Wojno
Woodward
Woronchak

In The Chair: Patterson

Reps. Brater, Jacobs and Baird, having reserved the right to explain their nay vote, made the following statement:
“Mr. Speaker and members of the House:

I voted NO on HB 4530 (CR-1) for the following reasons:

Article II, Section 9 of the Michigan Constitution provides that the people of this state are supposed to have a right of recourse when the Legislature takes legislative action that is contrary to the will of the people of this State. That constitutional right is the right of “referendum,” and this conference report attempts to take away that right through the disingenuous addition of a handful of appropriations into this bill.

This bill also violates Article IV, Section 24, which prohibits a law from embracing more than one object, and which prohibits the Legislature from altering a bill so as to change its original purpose. This conference report constitutes a change of purpose of this bill. This conference report adds an additional purpose to this bill: the purpose of making an appropriation.

As legislators we have taken an oath to uphold the entire Constitution, and not just bits and pieces as we find convenient.”

Rep. Callahan, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted NO on HB 4530 (CR-1) for the following reasons:

The Legislature today is passing this legislation in a cowardly way, under what they hope is the cover of darkness of the lame duck session.

The proponents of this legislation kept the specific contents of today’s conference report so under wraps prior to this vote, that nary a member of this body has even had a chance to read the actual legislation that we are voting on today.

Worse yet, the reason that the proponents of this legislation added this appropriation in violation of our body’s rules is inappropriate and insidious. They apparently believe that in doing so they can circumvent Article II, Section 9 of the Michigan Constitution, and silence the voices of the majority of the people of this State.

The Michigan Constitution provides that the people of this state are supposed to have a right of recourse when the Legislature takes legislative action that is contrary to the will of the people of this State. That constitutional right is the right of ‘referendum,’ and this conference report attempts to take away that right through the disingenuous addition of a handful of appropriations into this bill.

I support the constitutional right of Michigan citizens to keep and bear arms under Article I, Section 6 of the Michigan Constitution, but I also support the other constitutional rights of our citizens. As legislators we have taken an oath to uphold the entire Constitution, and not just bits and pieces as we find convenient.”

Rep. Wojno, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted NO on HB 4530 (CR-1) for the following reasons:

The proponents of this legislation kept the specific contents of today’s conference report so under wraps prior to this vote, that nary a member of this body has even had a chance to read the actual legislation that we are voting on today.

Worse yet, the reason that the proponents of this legislation added this appropriation in violation of our body’s rules is inappropriate and insidious. They apparently believe that in doing so they can circumvent Article II, Section 9 of the Michigan Constitution, and silence the voices of the majority of the people of this State.

The Michigan Constitution provides that the people of this state are supposed to have a right of recourse when the Legislature takes legislative action that is contrary to the will of the people of this State. That constitutional right is the right of ‘referendum,’ and this conference report attempts to take away that right through the disingenuous addition of a handful of appropriations into this bill.

I support the constitutional right of Michigan citizens to keep and bear arms under Article I, Section 6 of the Michigan Constitution, but I also support the other constitutional rights of our citizens. As legislators we have taken an oath to uphold the entire Constitution, and not just bits and pieces as we find convenient.”

Rep. Switalski, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

In addition to being wrong on the merits, this bill violates the State Constitution by masquerading as an appropriation bill in order to circumvent Article II, Section 9 and disenfranchise the citizens for Michigan from their right to a referendum. It also violates Article IV, Section 24 by embracing more than one subject in a single bill, and by changing the original purpose of the bill. The bill elimination of the gun Board’s discretion is unwise and not in the interests of Michigan’s citizens.”

Rep. Gielegheem, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

While I have several concerns about the message that we as a legislature are sending by passing this bill in the dark of night, during a lame duck session, I am mostly concerned that this bill completely erodes all elements of local control when it comes to the issuance of Concealed Weapons permits. I support the Constitution of both the United States and the State of Michigan, but I also support the will of local communities for self governance.

Currently local counties have local county gun boards, comprised of the prosecutor, sheriff and a representative from the local State Police. If people want changes in the local county gun board’s policies, they should work to elect local leaders that share their values on that issue. This bill now usurps the ability to prevent local officials from making decisions to protect their community. Further, a little known provision allows prosecutors to be replaced by firearm instructors as a member of the local gun board.

Lastly, the addition of an appropriations component on this bill is an inappropriate end-run around the people’s constitutional right to seek a referendum on this bill.”

Rep. Martinez, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I am opposed to the passage of this legislation for several reasons, including violations of good public policy and House procedure.

First, on the issues of procedure, my colleagues have determined that they must, in the lame duck session, pass legislation that they know the majority of the citizens of this state oppose. These Members did not have the courage to pass this legislation before they stood for election.

Secondly, the members of the House and Senate have, in my opinion, violated the Rules of the House, the Michigan Constitution and the rights of the people. In their commitment to prevent a public vote to stop the implementation of this act, the Members added an appropriation to a bill that did not previously contain an appropriation.

This action violates the rules of the House regarding issues that may be considered by a conference committee. It also violates Article IV, Section 24 of the Michigan Constitution, which prohibits the Legislature from changing the purpose of a bill in title and object.

The people’s right to petition the action of the Legislature is constitutionally guaranteed. I am opposed to the cynical action that this House has taken to deny them that right. I believe this action is indefensible, in either the Court of Claims or the court of public opinion.

Regarding the content of the bill, I disagree with the premise, stated by the Sponsors of the legislation, that an armed society is a polite society. They state that crime has decreased in States where more people carry concealed weapons. In fact, crime rates have decreased nationally, but in State with liberal permitting of concealed weapons legislation, crime rates have fallen less than the national average.

A majority of my constituents who have contacted me on this issue have asked me to oppose ‘putting more guns on our streets’. They know that more guns on our streets will lead to more guns violence, more theft of guns, and more incidents of needless death and injury.

Finally I believe that it is time that we, as a society, stop teaching the message of violence to our young people. So long as adults preach gun violence as the solution to disagreements, our young people will learn that lesson, and the violence in our schools and among young people will continue to plague our communities.”

Rep. Jellema, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

Leaving aside the question of whether or not the conferees produced a bill better than that sent to the Senate by the House, the addition by a conference committee of a \$1 million appropriation to HB 4530, which contained no appropriation is, at best, a questionable stretch of the rules governing conference committees. Those rules limit discussion to points of difference.

More important, however, the inclusion of the appropriation is apparently a deliberate move to set a higher threshold for a voter initiative. If bearing arms is a right, so too is free speech and free expression. This legislature has added insult to injury, first, by choosing to take up this important legislation in its lame duck session with no time for legislators or voters to completely review and discuss changes made by the conference committee; and second, by allowing the conference committee to deliberately take action which further diminishes the right of voters to express their views on this very important issue. For those reasons I voted no.”

Rep. Vander Roest moved that Reps. Bishop and DeVuyst be excused temporarily from today's session.
The motion prevailed.

Messages from the Senate

Senate Bill No. 555, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1998 PA 60.

The Senate has substituted (S-3) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-3), ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 2000 PA 329.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Raczkowski moved that Rule 45 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-3) made to the House substitute (H-1) by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1112

Yeas—99

Allen	Garza	Kuipers	Rocca
Baird	Geiger	LaForge	Sanborn
Birkholz	Gielegghem	LaSata	Schauer
Bisbee	Gilbert	Law	Schermesser
Bovin	Godchaux	Lemmons	Scott
Bradstreet	Gosselin	Lockwood	Scranton
Brater	Green	Mans	Shackleton
Brewer	Hager	Martinez	Sheltrown
Brown, B.	Hale	Mead	Shulman
Brown, C.	Hanley	Middaugh	Spade
Byl	Hansen	Minore	Stallworth
Callahan	Hardman	Mortimer	Stamas
Cassis	Hart	Neumann	Switalski
Caul	Howell	O'Neil	Tabor
Cherry	Jacobs	Pappageorge	Tesanovich
Clark, I.	Jamnack	Patterson	Thomas
Daniels	Jelinek	Price	Van Woerkom
DeHart	Jellema	Prusi	Vander Roest
Dennis	Johnson, Rick	Pumford	Vaughn
DeRossett	Johnson, Ruth	Quarles	Vear
DeWeese	Julian	Raczkowski	Voorhees
Ehardt	Kelly	Reeves	Wojno
Faunce	Kilpatrick	Richardville	Woodward
Frank	Koetje	Richner	Woronchak
Garcia	Kowall	Rivet	

Nays—0

In The Chair: Patterson

The House agreed to the title as amended.

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The House agreed to the full title.

The Speaker Pro Tempore assumed the Chair.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Pappageorge, Scranton, Ruth Johnson, Frank, Kilpatrick, Neumann, Pestka, Gielegghem, Bovin, Vaughn, Cherry, Jacobs, Stallworth, Price, Howell, Geiger, Jellema, Stamas, Jelinek, O’Neil, Pumford, Vander Roest, Bishop, Mead, Ehardt, Vear, Mortimer, Garcia, LaSata, Faunce, Shulman, Shackleton, Bisbee, Jansen, Kowall, Woronchak, Julian, Raczkowski, Gilbert, Hansen, Spade, Richardville, Kelly, LaForge, Schauer, Rocca, Switalski, Dennis, Wojno, DeHart, DeWeese, Thomas, Jamnick, Hanley, Prusi, DeRossett, Hager, Gosselin, Schermesser, Van Woerkom, Voorhees, Woodward, DeVuyst, Hale, Allen, Koetje, Caul, Birkholz, Sanborn and Scranton offered the following resolution:

House Resolution No. 468.

A resolution declaring March 2001 as Ethnic and Cultural Heritage Month in Michigan.

Whereas, The culture of the people of the State of Michigan has been continually renewed and enriched by the many different people who have chosen to come here over many decades and become citizens; and

Whereas, Each individual brings a part of his or her own heritage which, over time, becomes part of our common heritage leading us to become a more united people; and

Whereas, Michigan is fortunate to count among its population, large numbers of citizens of numerous descents, who together make important contributions to our economy and society through their commitment to numerous professions, commerce, family, and the arts; and

Whereas, We must foster an interest in the heritage, culture, and history of all peoples and pass that understanding and knowledge on to the next generation awakening in every American community awareness of the quality of the contributions that all types of ethnicities can bring to our modern American lifestyle; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare March 2001 as Ethnic and Cultural Heritage Month in the State of Michigan.

Pending the reference of the resolution to a committee,

Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Kowall, Cassis, Godchaux, Shulman, Gosselin, Pappageorge, Rick Johnson, Quarles, DeVuyst, Bishop, Jacobs, Woodward, Price, Raczkowski, Hansen, Spade, Richardville, Kelly, Cherry, LaForge, Schauer, Rocca, Switalski, Sheltrown, Gielegghem, DeHart, Neumann, DeWeese, Thomas, Jamnick, Hanley, Garcia, Prusi, Minore, Jelinek, DeRossett, Hager, Faunce, Schermesser, LaSata, Van Woerkom, Voorhees, Mead, Julian, Vander Roest, Hale, Allen, Vear, Koetje, Caul, Birkholz, Ehardt and Sanborn offered the following resolution:

House Resolution No. 469.

A resolution honoring Judge Gus Cifelli upon his retirement as District Court Judge of Oakland County.

Whereas, It is with the utmost respect and admiration that we honor Judge Gus Cifelli upon the occasion of his retirement from the bench of the 48th Judicial District Court of Michigan. It is a privilege to recognize this gentleman who has contributed so much of his time and talents to benefit our legal system; and

Whereas, Judge Cifelli established his dedication and commitment to excellence as a Marine during World War II by earning the Purple Heart medal. In 1950, Gus was the heavyweight boxing champion at Notre Dame, where he graduated Cum Laude with a degree in philosophy. His drive and determination as a member of the Detroit Lions Football team culminated in the squad’s capture of the 1957 championship ring. In 1966, Gus graduated from the University of Detroit Law School. Judge Cifelli has been a champion of justice from the court bench since 1973, exemplifying decisiveness and compassion as he served as judge of the 48th District Court; and

Whereas, Gus, as he is known by countless friends who save his title for use only in the courtroom, has not only served as a sagacious public official, but has also been an active member of the community. In 1995, he received the

Italian American of the Year award and, in 1997 was recognized with the Humanitarian and Law Enforcement of the Year awards; and

Whereas, Judge Cifelli once again displays his devotion, stepping down to enjoy the well-deserved leisure time with his wife, Gladys, his two daughters, Shelley Czeizler and Debra Drownlow, and his son, Stephen Czeizler; now, therefore, be it

Resolved by the House of Representatives, That the members of the legislative body extend our respect to the Honorable Gus Cifelli, a Judge of Michigan's 48th District Court in Oakland County, for his years of loyal and faithful service to our legal standards. May he know of our admiration and warmest wishes for continued happiness and success in every endeavor; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable Gus Cifelli as a small token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Scott, Hansen, Spade, Kelly, Cherry, LaForge, Schauer, Rocca, Switalski, Dennis, Wojno, Sheltroun, Gielegghem, Martinez, DeHart, Clark, Jacobs, Neumann, Rivet, DeWeese, Thomas, Jamnick, Hanley, Garcia, Prusi, DeRossett, Hager, Schermesser, LaSata, Pappageorge, Woodward, Baird, Hardman, Hale, Allen, Birkholz and Ehardt offered the following resolution:

House Resolution No. 470.

A resolution honoring Reverend Dr. Ruth Maness.

Whereas, It is with great pleasure that we honor Reverend Dr. Ruth Maness. She is a woman who has spent her life teaching, preaching, learning, writing, and praying for everyone who has come into her life. Dr. Maness heard the voice of our Lord call her to serve in His name, and for 71 years she has done just that; and

Whereas, Reverend Dr. Ruth Maness attributes the good things in her life to being born poor. On any given day, you will hear her say "Nobody ever gave us anything. Work is all I know and that's good.". She worked three jobs at a time and she may still struggle with expected bills, but "poor" would be a stretch today. Ruth's life is full. The lives she has touched will forever be a testimony of her faith in God and her mission to serve; and

Whereas, Ruth grew up in Hopewell, Virginia. Her mother and father were hard working and loving parents. She learned at an early age that we are all God's children and He does not make junk. She has always spoke and preached on the ills of prejudice. Sister Maness has never spoke a negative word about anyone. She felt her ministry was to teach those who couldn't read or write. She had no time or desire to worry about the color of one's skin; and

Whereas, When Reverend Dr. Ruth Maness came to reside in Lansing, Michigan, she worked as a dental assistant for 12 years. She then went to work in the Secretary of State's office. In the evenings, she worked as a teaching assistant in an adult education program in the Lansing schools. Sister Maness went to Michigan State University and was ordained from the Billy Graham School of Evangelism. She also attended Inter-Faith Association of Higher Learning and received her doctorate of metaphysics; and

Whereas, In 1998, Ruth was proud to be included in a book of mediations called "Sister Strength" compiled by the Reverend Suzan Johnson Cook. She is the only woman with two selection, "He Lives In Me" and "Cast Your Net Into the Deep". When she was 75 years young, she began working with the Reverend Rodney Patterson to create the Ebenezer Missionary Baptist Church of Lansing, and for the last 5 years has been a pillar of that church. For all her good works, Dr. Maness has truly been blessed; and

Whereas, We would be remiss if we did not mention her beloved Edith, the niece of Dr. Maness. Their love and respect for each other is truly an inspiration to all that know them. Ruth raised Edith as her own and is fondly called "Mother"; and

Whereas, Reverend Dr. Ruth Maness has been a rock in a weary land. We salute her and thank her for all she has been to friends, family, neighbors, and all that have passed through her life; now, therefore, be it

Resolved by the House of Representatives, That this legislative body honor the Reverend Dr. Ruth Maness for all that she has accomplished; and be it further

Resolved, That a copy of this resolution be transmitted to Reverend Dr. Ruth Maness as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Wojno, Hansen, Spade, Richardville, Kelly, Callahan, Cherry, LaForge, Schauer, Rocca, Switalski, Dennis, Sheltroun, Gielegghem, Scott, DeHart, Clark, Jacobs, Neumann, Rivet, DeWeese, Thomas, Jamnick, Frank, Hanley, Garcia, Prusi, Minore, Raczkowski, DeRossett, Bovin, Hager, Faunce, Schermesser, LaSata, Van Woerkom, Woodward, Baird, DeVuyt, Hale, Vear, Koetje, Caul, Birkholz and Ehardt offered the following resolution:

House Resolution No. 471.

A resolution to urge the Centers for Disease Control and Prevention to take all possible steps to increase production and delivery of influenza vaccine for the 2000-2001 season.

Whereas, An important component of the nation's effort to preserve the public's health is the development and distribution each year of a vaccine against strains of influenza expected during the winter flu season. This vaccine-development process is especially important for certain population groups, including the elderly, those afflicted with chronic illnesses, and those with compromised immune systems. Immunization prevents a large number of deaths and costly illnesses each year; and

Whereas, There is a significant shortage of influenza vaccine this year. According to the Centers for Disease Control and Prevention (CDC), this change in availability is due to problems with the components of the vaccine and problems in manufacturing. As a result, the supply of the vaccine remains far short of the usual demand. The delay represents a genuine threat to the health of many citizens. Swift action is needed to address this problem; and

Whereas, While the CDC has taken steps to encourage vaccine manufacturers to increase production and hasten delivery to health departments, doctors, clinics, and hospitals, it is essential that all efforts be made to meet this challenge. The consequences of inadequate supplies could be far-reaching in costs to our state and nation; now, therefore, be it

Resolved by the House of Representatives, That we urge the Centers for Disease Control and Prevention to take all possible steps to increase production and delivery of influenza vaccine for the 2000-2001 season; and be it further

Resolved, That copies of this resolution be transmitted to the Centers for Disease Control and Prevention.

The resolution was referred to the Committee on Health Policy.

Reps. Brewer, Spade, Richardville, Kelly, Cherry, LaForge, Schauer, Rocca, Switalski, Dennis, Wojno, Sheltroun, Gielegghem, Martinez, Scott, DeHart, Clark, Jacobs, Neumann, Rivet, DeWeese, Jamnick, Frank, Hanley, Garcia, Prusi, DeRossett, Hager, Gosselin, Faunce, Schermesser, LaSata, Pappageorge, Van Woerkom, Shulman, Voorhees, Woodward, Baird, Reeves, Hale, Vear, Koetje, Caul, Birkholz and Ehardt offered the following resolution:

House Resolution No. 472.

A resolution honoring the 2000 Lansing Catholic Central Boys Golf Team.

Whereas, It is a pleasure to join with their families, the entire school, and all of the Lansing area in celebrating the achievements of the 2000 Lansing Catholic Central Boys Golf Team on its wonderful success over the season. With the fine record this squad attained, which has culminated in finishing as runners-up in the State Tournament, Lansing Catholic Central Boys Golf Team's best finish since winning the State Title in 1986, this group of disciplined student-athletes has generated great pride throughout this part of our state; and

Whereas, Much to the delight of their loyal fans, the 2000 Lansing Catholic Central Boys Golf Team has also earned the respect of prep sports followers everywhere in Michigan with their talent, teamwork, and determination. As opponents have found out all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of young people who maintain their focus on making their dreams come true and accepting nothing less than their best effort; and

Whereas, Winning titles or compiling outstanding seasons is never a coincidence. The 2000 Lansing Catholic Central Boys Golf Team accomplishments this season include second place in the Mason Invitational finishing with a 10-5 match record, a 10-4 record in the League, finishing second in the League Meet, which helped the team to finish second in the League overall. The team set a school record in this tournament shooting a 300 and won the Regional Tournament trophy by 13 strokes. All of this was accomplished without a senior on the team! While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game day. We admire the efforts, team spirit, and preparation of these talented young people. Team members included Junior Tri-Captains: Polo Hourani, All State Division III, Sean King and Chris Johnson, Sophomore, Justin Murray and Junior, Ryan Fitzpatrick. Other Varsity Members included Sophomore, Zack Cole and Junior, Alan Nicholson. This team was lead by Head Coach Charlie Furney; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the members and coaches of the 2000 Lansing Catholic Central Boys Golf Team upon the occasion of its outstanding season; and be it further

Resolved, That a copy of this resolution be transmitted to 2000 Lansing Catholic Central Boys Golf Team, Athletic Director, Philip Marazita, and Principal Jim Olin as a token of our esteem.

Pending the reference of the resolution to a committee,
Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Brewer, Spade, Richardville, Kelly, Cherry, LaForge, Schauer, Rocca, Switalski, Dennis, Wojno, Sheltroun, Gielegghem, Martinez, Scott, DeHart, Clark, Jacobs, Neumann, Rivet, DeWeese, Jamnick, Frank, Tabor, Hanley, Garcia, Prusi, DeRossett, Hager, Gosselin, Faunce, Schermesser, LaSata, Pappageorge, Van Woerkom, Shulman, Voorhees, Woodward, Baird, Reeves, Hale, Vear, Koetje, Caul, Birkholz and Ehardt offered the following resolution:

House Resolution No. 473.

A resolution honoring the 2000 Lansing Catholic Central High School Soccer Team.

Whereas, It is a pleasure to join with their families, the entire school, and all of the Lansing area in celebrating the achievements of the 2000 Lansing Catholic Central High School Cougars Soccer Team on its wonderful success over the season. With the fine record this squad attained, which has culminated in winning the District Championship, this group of disciplined student-athletes has generated great pride throughout this part of our state; and

Whereas, Much to the delight of their loyal fans, the Cougars have also earned the respect of prep sports followers everywhere in Michigan through their talent, teamwork, and determination. As opponents have found out all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of young people who maintain their focus on making their dreams come true and accepting nothing less than their very best effort, which is clearly demonstrated by their winning record and placing third in the League; and

Whereas, Winning titles or compiling outstanding seasons is never a fluke. The 2000 Lansing Catholic Central High School Cougars Soccer Team accomplishments this season also included earning the distinction of being a Regional Finalist. This team advanced the farthest in the state tournament in the history of the soccer program. They had nine team members named as All-League Selections, five team members named All-District selections, four team members named All-Region selections and four team members named as All-State selections. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game day. Members of this championship varsity roster include: Justin Campbell, Jacob Goth-Owens, Eddie Vogel, Peter Barclay, Patrick O'Brien, Adam Iding, Jake McPhail, Josh Parker, Mike Sachau, Manuel Macias, Adam Vollmer, Paul Algra, Jacob Mann, Tyler Morgan, Rob Byerly, Orlando Bonifacio, and Gideon Brewer. This championship team was lead by Coach Mark Fales and Assistant Coach Tim Busen. We admire the efforts, team spirit, and preparation of these talented young people; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the members and coaches of the 2000 Lansing Catholic Central High School Cougars Soccer Team upon the occasion of its outstanding season; and be it further

Resolved, That a copy of this resolution be transmitted to 2000 Lansing Catholic Central High School Soccer Team, Athletic Director Philip Marazita, and Principal Jim Olin as a token of our esteem.

Pending the reference of the resolution to a committee,
Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Brewer, Spade, Richardville, Kelly, Cherry, LaForge, Schauer, Rocca, Switalski, Dennis, Wojno, Sheltroun, Gielegghem, Scott, DeHart, Clark, Jacobs, Neumann, Rivet, DeWeese, Jamnick, Frank, Tabor, Hanley, Garcia, Prusi, DeRossett, Hager, Gosselin, Faunce, Schermesser, LaSata, Pappageorge, Van Woerkom, Shulman, Voorhees, Woodward, Baird, Reeves, Hale, Vear, Koetje, Caul, Birkholz and Ehardt offered the following resolution:

House Resolution No. 474.

A resolution honoring the Everett High School Vikings Girls Basketball Team.

Whereas, It is a pleasure to join with their families, the entire school, and all of Lansing in celebrating the achievements of the Everett High School Vikings Girls Basketball Team on its wonderful success over the season. With the fine record this squad attained, which has culminated in claiming the school's first Class "A" State Championship by defeating Detroit Martin Luther King 55-50. This group of disciplined student-athletes has generated great pride throughout the Mid-Michigan area; and

Whereas, Much to the delight of their loyal fans, the Vikings have also earned the respect of prep sports followers everywhere in Michigan through their talent, teamwork, and determination. As opponents have found out all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of young people who maintain their focus on making their dreams come true and accepting nothing less than their very best effort, which is clearly demonstrated by their winning record and not having lost a regular-season game since 1997; and

Whereas, Winning titles or compiling outstanding seasons is never a coincidence. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game day. Members of this championship team include Amber Cain, Sharonna Dean, Tiffany Douglas, Co-Captain, Kamaria Douglas, Patrice McKinney, Sharice McKinney, Sheena Moore, Co-Captain, Jessica Parsons, Tanisha Pate, Kristen Rogers, Tamera Thomas, Rachel Turney, and Miranda Walson. We admire the efforts, team spirit, and preparation of these talented young people. This championship team was lead by Head Coach Johnny Jones, Assistant Coaches Darryl Scott, Loomis Peatross, Charles Johnson, and Latishia Berry, Managers Tanisha Wilson and Katrina May, Trainer Erin Conners, Team Consultant Bettie Jones, Athletic Director Cindy Short, and Assistant Athletic Director Dan Perez, now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the members and coaches of the Everett High School Vikings Girls Basketball Team upon the occasion of its 2000 MSHAA Class "A" Women's Basketball State Championship; and be it further

Resolved, That a copy of this resolution be transmitted to the Everett High School Vikings Girls Basketball Team, Principal Dale Glynn, and Superintendent Dr. E. Sharon Banks as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Brewer, Spade, Richardville, Kelly, Cherry, LaForge, Schauer, Rocca, Switalski, Dennis, Wojno, Sheltrown, Gielegghem, Martinez, Scott, DeHart, Clark, Jacobs, Neumann, Rivet, DeWeese, Jamnick, Frank, Tabor, Hanley, Garcia, Prusi, DeRossett, Hager, Gosselin, Faunce, Schermesser, LaSata, Pappageorge, Van Woerkom, Shulman, Voorhees, Woodward, Baird, Reeves, Hale, Vear, Koetje, Caul, Birkholz and Ehardt offered the following resolution:

House Resolution No. 475.

A resolution honoring the 2000 Lansing Catholic Central Girls Softball Team.

Whereas, It is a pleasure to join with their families, the entire school, and the entire Lansing area in celebrating the achievements of the 2000 Lansing Catholic Central Girls Softball Team on its wonderful success over the season. With the fine record this squad attained, which has culminated in winning the District and Regional Championships, this group of disciplined student-athletes has generated great pride throughout this part of our state; and

Whereas, Much to the delight of their loyal fans, the 2000 Lansing Catholic Central Girls Softball Team has also earned the respect of prep sports followers everywhere in Michigan with their talent, teamwork, and determination. As opponents have found out all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of young people who maintain their focus on making their dreams come true and accepting nothing less than their very best effort; and

Whereas, Winning titles or compiling outstanding seasons is never a fluke. The 2000 Lansing Catholic Central Girls Softball Team's accomplishments this season also included winning the quarter finals and the semifinals with a season record of 39-9. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game day. We admire the efforts, team spirit, and preparation of these talented young people. Members of this championship team include, Addie Finelli, Anna Parker, Sarah Houser, Jennifer Harper, Mo Parker, Kristi Bernath, Katie Meyer, Kari Angevine, Lisa Howland, Molly Potvin, Susan Syrjamaki, Ashley Sagolla, Lindsay Noyola, Lesley Colosimo, Kellie Every, Nicki Shumway, and Ellen Lieder. This championship team was lead by Head Coach Hub Waite and Assistant Coaches John Richards and Rick Angevine. Kristi Bernath, Anna Parker, and Molly Potvin were named All-Staters; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the members and coaches of the 2000 Lansing Catholic Central Girls Softball Team upon the occasion of its outstanding season; and be it further

Resolved, That a copy of this resolution be transmitted to the 2000 Lansing Catholic Central Girls Softball Team, Athletic Director Philip Marazita, and Principal Jim Olin as a token of our esteem.

Pending the reference of the resolution to a committee,
Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Brewer, Spade, Richardville, Kelly, Cherry, LaForge, Schauer, Rocca, Switalski, Dennis, Wojno, Sheltroun, Gielegghem, Martinez, Scott, DeHart, Clark, Jacobs, Neumann, Rivet, DeWeese, Jamnick, Frank, Tabor, Hanley, Garcia, Prusi, DeRossett, Hager, Gosselin, Faunce, Schermesser, LaSata, Pappageorge, Van Woerkom, Shulman, Voorhees, Woodward, Baird, Reeves, Hale, Vear, Koetje, Caul, Birkholz and Ehardt offered the following resolution:

House Resolution No. 476.

A resolution honoring the 2000 Lansing Catholic Central Girls Cross Country Team.

Whereas, It is a pleasure to join with their families, the entire school, and all of the Lansing area in celebrating the achievements of the 2000 Lansing Catholic Central Girls Cross Country Team on its wonderful success over the season. With the fine record this squad attained, which has culminated in a first place tie for Capital Circuit League Championship, the first in the school's history, and Regional Championship for the second year in a row, this group of disciplined student-athletes has generated great pride throughout this part of our state; and

Whereas, Much to the delight of their loyal fans, the 2000 Lansing Catholic Central Girls Cross Country Team has also earned the respect of prep sports followers everywhere in Michigan through their talent, teamwork, and determination. As opponents have found out all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of young people who maintain their focus on making their dreams come true and accepting nothing less than their very best effort; and

Whereas, Winning titles or compiling outstanding seasons is never a fluke. The 2000 Lansing Catholic Central Girls Cross Country Team's accomplishments this season includes invitational wins at the Corunna Invitational, DeWitt Invitational, Haslett Invitational, and Greater Lansing Invitational, first place in the Capital Circuit League Meet, and State Division Third Runners-up. The record in all meets vs all teams is 117-3. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game day. We admire the efforts, team spirit, and preparation of these talented young people, such as Rachel Kirvan, Katie Chenoweth, and Suzanne Poprawa who were named All-State Runners. The championship team was lead by Head Coach Tim Simpson and Assistant Coach Mark Fleming; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the members and coaches of the 2000 Lansing Catholic Central Girls Cross Country Team upon the occasion of its outstanding season; and be it further

Resolved, That a copy of this resolution be transmitted to the 2000 Lansing Catholic Central Girls Cross Country Team, Athletic Director Philip Marazita, and Principal Jim Olin as a token of our esteem.

Pending the reference of the resolution to a committee,
Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Wojno, Hansen, Spade, Richardville, Kelly, Callahan, Cherry, LaForge, Schauer, Rocca, Switalski, Dennis, Sheltroun, Gielegghem, Martinez, Scott, DeHart, Clark, Jacobs, Neumann, Rivet, DeWeese, Thomas, Jamnick, Frank, Hanley, Garcia, Prusi, Minore, Raczkowski, DeRossett, Bovin, Hager, Faunce, Schermesser, LaSata, Van Woerkom, Woodward, Baird, Hardman, DeVuyt, Hale, Vear, Koetje, Caul, Birkholz and Ehardt offered the following concurrent resolution:

House Concurrent Resolution No. 124.

A concurrent resolution to urge the Centers for Disease Control and Prevention to take all possible steps to increase production and delivery of influenza vaccine for the 2000-2001 season.

Whereas, An important component of the nation's effort to preserve the public's health is the development and distribution each year of a vaccine against strains of influenza expected during the winter flu season. This vaccine-development process is especially important for certain population groups, including the elderly, those afflicted with chronic illnesses, and those with compromised immune systems. Immunization prevents a large number of deaths and costly illnesses each year; and

Whereas, There is a significant shortage of influenza vaccine this year. According to the Centers for Disease Control and Prevention (CDC), this change in availability is due to problems with the components of the vaccine and problems

in manufacturing. As a result, the supply of the vaccine remains far short of the usual demand. The delay represents a genuine threat to the health of many citizens. Swift action is needed to address this problem; and

Whereas, While the CDC has taken steps to encourage vaccine manufacturers to increase production and hasten delivery to health departments, doctors, clinics, and hospitals, it is essential that all efforts be made to meet this challenge. The consequences of inadequate supplies could be far-reaching in costs to our state and nation; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Centers for Disease Control and Prevention to take all possible steps to increase production and delivery of influenza vaccine for the 2000-2001 season; and be it further

Resolved, That copies of this resolution be transmitted to the Centers for Disease Control and Prevention.

The concurrent resolution was referred to the Committee on Health Policy.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, December 13, for his approval of the following bills:

Enrolled House Bill No. 4474 at 2:24 p.m.

Enrolled House Bill No. 4711 at 2:26 p.m.

Enrolled House Bill No. 5028 at 2:28 p.m.

Enrolled House Bill No. 5548 at 2:30 p.m.

Enrolled House Bill No. 5681 at 2:32 p.m.

Enrolled House Bill No. 5940 at 2:34 p.m.

Enrolled House Bill No. 5996 at 2:36 p.m.

Enrolled House Bill No. 6027 at 2:38 p.m.

Enrolled House Bill No. 6031 at 2:40 p.m.

Rep. Clarke entered the House Chambers.

By unanimous consent the House returned to the order of

Reports of Select Committees

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 Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

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

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.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

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 PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 416B. (1) A HEALTH CARE CORPORATION SHALL ESTABLISH AND PROVIDE TO MEMBERS AND PARTICIPATING PROVIDERS A PROGRAM TO PREVENT THE ONSET OF CLINICAL DIABETES. THIS PROGRAM FOR PARTICIPATING PROVIDERS SHALL EMPHASIZE BEST PRACTICE GUIDELINES TO PREVENT THE ONSET OF CLINICAL DIABETES AND TO TREAT DIABETES, INCLUDING, BUT NOT LIMITED TO, DIET, LIFESTYLE, PHYSICAL EXERCISE AND FITNESS, AND EARLY DIAGNOSIS AND TREATMENT.

(2) A HEALTH CARE CORPORATION SHALL REGULARLY MEASURE THE EFFECTIVENESS OF A PROGRAM PROVIDED PURSUANT TO SUBSECTION (1) BY REGULARLY SURVEYING GROUP AND NONGROUP MEMBERS COVERED BY THE CERTIFICATE. NOT LATER THAN 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, EACH HEALTH CARE CORPORATION SHALL PREPARE A REPORT CONTAINING THE RESULTS OF THE SURVEY AND SHALL PROVIDE A COPY OF THE REPORT TO THE DEPARTMENT OF COMMUNITY HEALTH.

(3) A HEALTH CARE CORPORATION CERTIFICATE SHALL PROVIDE BENEFITS IN EACH GROUP AND NONGROUP CERTIFICATE FOR THE FOLLOWING EQUIPMENT, SUPPLIES, AND EDUCATIONAL TRAINING FOR THE TREATMENT OF DIABETES, IF DETERMINED TO BE MEDICALLY NECESSARY AND PRESCRIBED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN:

(A) BLOOD GLUCOSE MONITORS AND BLOOD GLUCOSE MONITORS FOR THE LEGALLY BLIND.

(B) TEST STRIPS FOR GLUCOSE MONITORS, VISUAL READING AND URINE TESTING STRIPS, LANCETS, AND SPRING-POWERED LANCET DEVICES.

(C) INSULIN.

(D) SYRINGES.

(E) INSULIN PUMPS AND MEDICAL SUPPLIES REQUIRED FOR THE USE OF AN INSULIN PUMP.

(F) NONEXPERIMENTAL MEDICATION FOR CONTROLLING BLOOD SUGAR.

(G) DIABETES SELF-MANAGEMENT TRAINING TO ENSURE THAT PERSONS WITH DIABETES ARE TRAINED AS TO THE PROPER SELF-MANAGEMENT AND TREATMENT OF THEIR DIABETIC CONDITION.

(4) A HEALTH CARE CORPORATION CERTIFICATE SHALL PROVIDE BENEFITS IN EACH GROUP AND NONGROUP CERTIFICATE FOR MEDICALLY NECESSARY MEDICATIONS PRESCRIBED BY AN ALLOPATHIC, OSTEOPATHIC, OR PODIATRIC PHYSICIAN AND USED IN THE TREATMENT OF FOOT AILMENTS, INFECTIONS, AND OTHER MEDICAL CONDITIONS OF THE FOOT, ANKLE, OR NAILS ASSOCIATED WITH DIABETES.

(5) COVERAGE UNDER SUBSECTION (3) FOR DIABETES SELF-MANAGEMENT TRAINING IS SUBJECT TO ALL OF THE FOLLOWING:

(A) IS LIMITED TO COMPLETION OF A CERTIFIED DIABETES EDUCATION PROGRAM UPON OCCURRENCE OF EITHER OF THE FOLLOWING:

(i) IF CONSIDERED MEDICALLY NECESSARY UPON THE DIAGNOSIS OF DIABETES BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN WHO IS MANAGING THE PATIENT'S DIABETIC CONDITION AND IF THE SERVICES ARE NEEDED UNDER A COMPREHENSIVE PLAN OF CARE TO ENSURE THERAPY COMPLIANCE OR TO PROVIDE NECESSARY SKILLS AND KNOWLEDGE.

(ii) IF AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN DIAGNOSES A SIGNIFICANT CHANGE WITH LONG-TERM IMPLICATIONS IN THE PATIENT'S SYMPTOMS OR CONDITIONS THAT NECESSITATES CHANGES IN A PATIENT'S SELF-MANAGEMENT OR A SIGNIFICANT CHANGE IN MEDICAL PROTOCOL OR TREATMENT MODALITIES.

(B) SHALL BE PROVIDED BY A DIABETES OUTPATIENT TRAINING PROGRAM CERTIFIED TO RECEIVE MEDICARE OR MEDICAID REIMBURSEMENT OR CERTIFIED BY THE DEPARTMENT OF COMMUNITY HEALTH. TRAINING PROVIDED UNDER THIS SUBDIVISION SHALL BE CONDUCTED IN GROUP SETTINGS WHENEVER PRACTICABLE.

(6) BENEFITS UNDER THIS SECTION ARE NOT SUBJECT TO DOLLAR LIMITS, DEDUCTIBLES, OR COPAYMENT PROVISIONS THAT ARE GREATER THAN THOSE FOR PHYSICAL ILLNESS GENERALLY.

(7) AS USED IN THIS SECTION, "DIABETES" INCLUDES ALL OF THE FOLLOWING:

(A) GESTATIONAL DIABETES.

(B) INSULIN-DEPENDENT DIABETES.

(C) NON-INSULIN-DEPENDENT DIABETES.

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

A bill to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to

provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,” (MCL 550.1101 to 550.1704) by adding section 416b.

Dan L. DeGrow
John J.H. Schwarz, M.D.
Dianne Byrum
Conferees for the Senate

Richard Johnson
Kwame Kilpatrick
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Raczkowski moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members’ desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1113

Yeas—75

Allen	Garza	Law	Rocca
Baird	Gielegthem	Lemmons	Schauer
Birkholz	Green	Lockwood	Schermesser
Bovin	Hager	Martinez	Scott
Brater	Hale	Middaugh	Scranton
Brown, B.	Hanley	Minore	Shackleton
Brown, C.	Hansen	Mortimer	Sheltrown
Byl	Hardman	Neumann	Spade
Callahan	Hart	Pappageorge	Stallworth
Caul	Howell	Patterson	Switalski
Cherry	Jacobs	Perricone	Tabor
Clark, I.	Jamnick	Price	Tesanovich
Clarke, H.	Jelinek	Prusi	Thomas
Daniels	Julian	Pumford	Van Woerkom
DeHart	Kelly	Quarles	Vaughn
Dennis	Kilpatrick	Raczkowski	Wojno
DeRossett	Kowall	Reeves	Woodward
Faunce	LaForge	Richardville	Woronchak
Frank	LaSata	Rivet	

Nays—27

Bisbee	Garcia	Johnson, Ruth	Sanborn
Bishop	Geiger	Koetje	Shulman
Bradstreet	Gilbert	Kuipers	Stamas
Cassis	Godchaux	Mans	Vander Roest
DeVuyst	Gosselin	Mead	Vear
DeWeese	Jellema	O’Neil	Voorhees
Ehardt	Johnson, Rick	Richner	

Rep. Ehardt, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

By settling for this bill in this form instead of insisting on legislation that included tax credits for the working uninsured was a mistake. Many people argued this bill was needed to help all diabetics and we left out a very important group.”

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 Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

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

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.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 3406P. (1) AN INSURER PROVIDING AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION SHALL ESTABLISH AND PROVIDE TO INSURED, ENROLLEES, AND PARTICIPATING PROVIDERS A PROGRAM TO PREVENT THE ONSET OF CLINICAL DIABETES. THIS PROGRAM FOR PARTICIPATING PROVIDERS SHALL EMPHASIZE BEST PRACTICE GUIDELINES TO PREVENT THE ONSET OF CLINICAL DIABETES AND TO TREAT DIABETES, INCLUDING, BUT NOT LIMITED TO, DIET, LIFESTYLE, PHYSICAL EXERCISE AND FITNESS, AND EARLY DIAGNOSIS AND TREATMENT.

(2) AN INSURER AND A HEALTH MAINTENANCE ORGANIZATION PROVIDING A PROGRAM PURSUANT TO SUBSECTION (1) SHALL REGULARLY MEASURE THE EFFECTIVENESS OF THE PROGRAM BY REGULARLY SURVEYING INDIVIDUALS COVERED BY THE POLICY, CERTIFICATE, OR CONTRACT. NOT LATER THAN 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, EACH INSURER AND HEALTH MAINTENANCE ORGANIZATION PROVIDING A PROGRAM PURSUANT TO SUBSECTION (1) SHALL PREPARE A REPORT CONTAINING THE RESULTS OF THE SURVEY AND SHALL PROVIDE A COPY OF THE REPORT TO THE DEPARTMENT OF COMMUNITY HEALTH.

(3) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION CONTRACT SHALL INCLUDE COVERAGE FOR THE FOLLOWING EQUIPMENT, SUPPLIES, AND EDUCATIONAL TRAINING FOR THE TREATMENT OF DIABETES, IF DETERMINED TO BE MEDICALLY NECESSARY AND PRESCRIBED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN:

(A) BLOOD GLUCOSE MONITORS AND BLOOD GLUCOSE MONITORS FOR THE LEGALLY BLIND.

(B) TEST STRIPS FOR GLUCOSE MONITORS, VISUAL READING AND URINE TESTING STRIPS, LANCETS, AND SPRING-POWERED LANCET DEVICES.

(C) SYRINGES.

(D) INSULIN PUMPS AND MEDICAL SUPPLIES REQUIRED FOR THE USE OF AN INSULIN PUMP.

(E) DIABETES SELF-MANAGEMENT TRAINING TO ENSURE THAT PERSONS WITH DIABETES ARE TRAINED AS TO THE PROPER SELF-MANAGEMENT AND TREATMENT OF THEIR DIABETIC CONDITION.

(4) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION

CONTRACT THAT PROVIDES OUTPATIENT PHARMACEUTICAL COVERAGE DIRECTLY OR BY RIDER SHALL INCLUDE THE FOLLOWING COVERAGE FOR THE TREATMENT OF DIABETES, IF DETERMINED TO BE MEDICALLY NECESSARY:

(A) INSULIN, IF PRESCRIBED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN.

(B) NONEXPERIMENTAL MEDICATION FOR CONTROLLING BLOOD SUGAR, IF PRESCRIBED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN.

(C) MEDICATIONS USED IN THE TREATMENT OF FOOT AILMENTS, INFECTIONS, AND OTHER MEDICAL CONDITIONS OF THE FOOT, ANKLE, OR NAILS ASSOCIATED WITH DIABETES, IF PRESCRIBED BY AN ALLOPATHIC, OSTEOPATHIC, OR PODIATRIC PHYSICIAN.

(5) COVERAGE UNDER SUBSECTION (3) FOR DIABETES SELF-MANAGEMENT TRAINING IS SUBJECT TO ALL OF THE FOLLOWING:

(A) IS LIMITED TO COMPLETION OF A CERTIFIED DIABETES EDUCATION PROGRAM UPON OCCURRENCE OF EITHER OF THE FOLLOWING:

(i) IF CONSIDERED MEDICALLY NECESSARY UPON THE DIAGNOSIS OF DIABETES BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN WHO IS MANAGING THE PATIENT'S DIABETIC CONDITION AND IF THE SERVICES ARE NEEDED UNDER A COMPREHENSIVE PLAN OF CARE TO ENSURE THERAPY COMPLIANCE OR TO PROVIDE NECESSARY SKILLS AND KNOWLEDGE.

(ii) IF AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN DIAGNOSES A SIGNIFICANT CHANGE WITH LONG-TERM IMPLICATIONS IN THE PATIENT'S SYMPTOMS OR CONDITIONS THAT NECESSITATES CHANGES IN A PATIENT'S SELF-MANAGEMENT OR A SIGNIFICANT CHANGE IN MEDICAL PROTOCOL OR TREATMENT MODALITIES.

(B) SHALL BE PROVIDED BY A DIABETES OUTPATIENT TRAINING PROGRAM CERTIFIED TO RECEIVE MEDICAID OR MEDICARE REIMBURSEMENT OR CERTIFIED BY THE DEPARTMENT OF COMMUNITY HEALTH. TRAINING PROVIDED UNDER THIS SUBDIVISION SHALL BE CONDUCTED IN GROUP SETTINGS WHENEVER PRACTICABLE.

(6) COVERAGE UNDER THIS SECTION IS NOT SUBJECT TO DOLLAR LIMITS, DEDUCTIBLES, OR COPAYMENT PROVISIONS THAT ARE GREATER THAN THOSE FOR PHYSICAL ILLNESS GENERALLY.

(7) AS USED IN THIS SECTION, "DIABETES" INCLUDES ALL OF THE FOLLOWING:

(A) GESTATIONAL DIABETES.

(B) INSULIN-DEPENDENT DIABETES.

(C) NON-INSULIN-DEPENDENT DIABETES.

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

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials,

departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” (MCL 500.100 to 500.8302) by adding section 3406p.

Dan L. DeGrow
Dale Shugars
Dianne Byrum
Conferees for the Senate

Richard Johnson
Kwame Kilpatrick
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Raczkowski moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members’ desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1114

Yeas—74

Allen	Frank	Lemmons	Rocca
Baird	Garza	Lockwood	Schauer
Birkholz	Gielegghem	Martinez	Schermesser
Bovin	Hager	Middaugh	Scott
Brater	Hale	Minore	Scranton
Brown, B.	Hansen	Mortimer	Shackleton
Brown, C.	Hardman	Neumann	Sheltrown
Byl	Hart	Pappageorge	Spade
Callahan	Howell	Patterson	Stallworth
Caul	Jacobs	Perricone	Switalski
Cherry	Jamnick	Price	Tabor
Clark, I.	Jelinek	Prusi	Tesanovich
Clarke, H.	Julian	Pumford	Thomas
Daniels	Kelly	Quarles	Van Woerkom
DeHart	Kilpatrick	Raczkowski	Vaughn
Dennis	Kowall	Reeves	Wojno
DeRossett	LaForge	Richardville	Woodward
DeVuyst	LaSata	Rivet	Woronchak
Faunce	Law		

Nays—26

Bisbee	Geiger	Koetje	Sanborn
Bishop	Gilbert	Kuipers	Shulman
Bradstreet	Godchaux	Mans	Stamas
Cassis	Gosselin	Mead	Vander Roest
DeWeese	Jellema	O’Neil	Vear
Ehardt	Johnson, Rick	Richner	Voorhees
Garcia	Johnson, Ruth		

In The Chair: Birkholz

Second Reading of Bills

Senate Bill No. 763, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 36109 (MCL 324.36109), as amended by 1996 PA 233.

The bill was read a second time.

Rep. Raczkowski moved that the bill be placed on the order of Third Reading of Bills.
 The motion prevailed, a majority of the members voting therefor.
 Rep. Raczkowski moved that the bill be placed on its immediate passage.
 The motion prevailed, a majority of the members serving voting therefor.

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

Senate Bill No. 763, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 36109 (MCL 324.36109), as amended by 1996 PA 233.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1115

Yeas—96

Allen	Faunce	Kilpatrick	Richardville
Baird	Frank	Koetje	Richner
Birkholz	Garcia	Kowall	Rivet
Bisbee	Garza	Kuipers	Rocca
Bishop	Geiger	LaForge	Sanborn
Bovin	Gielegthem	LaSata	Schermesser
Bradstreet	Gilbert	Law	Scott
Brater	Godchaux	Lemmons	Scranton
Brewer	Gosselin	Lockwood	Sheltrown
Brown, B.	Green	Mans	Shulman
Brown, C.	Hager	Mead	Spade
Byl	Hale	Middaugh	Stallworth
Callahan	Hansen	Minore	Stamas
Cassis	Hardman	Mortimer	Switalski
Caul	Hart	Neumann	Tabor
Cherry	Howell	Pappageorge	Tesanovich
Clark, I.	Jacobs	Patterson	Thomas
Clarke, H.	Jamnick	Perricone	Van Woerkom
Daniels	Jelinek	Price	Vander Roest
DeHart	Jellema	Prusi	Vaughn
Dennis	Johnson, Rick	Pumford	Vear
DeRossett	Johnson, Ruth	Quarles	Voorhees
DeVuyst	Julian	Raczkowski	Woodward
DeWeese	Kelly	Reeves	Woronchak

Nays—0

In The Chair: Birkholz

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

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

The House agreed to the full title.

Associate Speaker Pro Tempore Scranton resumed the Chair.

Second Reading of Bills

Senate Bill No. 342, entitled

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

The bill was read a second time.

Rep. Raczkowski moved that the bill be placed on the order of Third Reading of Bills.

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

Rep. Raczkowski moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 342, entitled

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1116

Yeas—98

Allen	Frank	LaForge	Rivet
Baird	Garcia	LaSata	Rocca
Birkholz	Garza	Law	Sanborn
Bisbee	Geiger	Lemmons	Schauer
Bishop	Gielegghem	Lockwood	Schermesser
Bovin	Gilbert	Mans	Scott
Bradstreet	Godchaux	Martinez	Scranton
Brater	Green	Mead	Shackleton
Brewer	Hager	Middaugh	Sheltrown
Brown, B.	Hale	Minore	Shulman
Brown, C.	Hansen	Mortimer	Spade
Byl	Hardman	Neumann	Stallworth
Callahan	Hart	O'Neil	Stamas
Cassis	Howell	Pappageorge	Switalski
Caul	Jacobs	Patterson	Tabor
Clark, I.	Jamnack	Perricone	Thomas
Clarke, H.	Jelinek	Price	Van Woerkom
Daniels	Jellema	Prusi	Vander Roest
DeHart	Johnson, Rick	Pumford	Vaughn
Dennis	Julian	Quarles	Vear
DeRossett	Kelly	Raczkowski	Voorhees
DeVuyst	Kilpatrick	Reeves	Wojno
DeWeese	Koetje	Richardville	Woodward
Ehardt	Kowall	Richner	Woronchak
Faunce	Kuipers		

Nays—2

Gosselin

Johnson, Ruth

In The Chair: Scranton

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

“An act to provide for the preservation and continuity of retirement system service credits for public employees who transfer their employment between units of government,”.

The House agreed to the full title.

Rep. Raczkowski moved that the bill be given immediate effect.

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

Rep. Gosselin, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I would have voted yes on this Bill #SB763, but a short time ago the House voted on the conference report on HB 4530, CCW reform. Just before the vote was taken, I was unavoidably called away from the House floor.

Had I been present, I would have voted ‘yes’ on Roll Call 1111, the HB 4530 conference report. When I ran for office I promised to support this legislation, which simply returns to citizens the exercise of a right recognized by Article One, Section Six of the Michigan Constitution: ‘Every person has the right to keep *and bear* arms for the defense of himself and the state.’ This promise was made again by all of us two years ago this month when we stood in this chamber and swore to uphold the Constitution of the State of Michigan.

I voted ‘no’ on SB763 solely for the purpose of placing on the record my intention to vote ‘yes’ on HB4530.”

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Thursday, December 14, at 10:00 a.m.

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Select Committees

House Bill No. 4530, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, and 5o; and to repeal acts and parts of acts.

(For text of conference report, see House Journal No. 72, p. 2662.)

The Senate has adopted the report of the Committee of Conference.

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

House Bill No. 4532, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 231a (MCL 750.231a).

(For text of conference report, see House Journal No. 72, p. 2657.)

The Senate has adopted the report of the Committee of Conference.

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

Reports of Standing Committees

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

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.

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

1. Amend page 1, line 3, after “care” by inserting “WITHOUT COMPENSATION”.

2. Amend page 2, line 26, after “care” by inserting “AT THE SCENE OF AN EMERGENCY”.

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1314 To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Koetje, Voorhees, Minore, Switalski,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richner, Chair of the Committee on Family and Civil Law, was received and read:

Meeting held on: Wednesday, December 13, 2000, at 1:03 p.m.,

Present: Reps. Richner, Shulman, Hart, Koetje, Voorhees, Baird, Minore, Switalski,

Absent: Reps. Law, Sanborn, Schermesser,

Excused: Reps. Law, Sanborn, Schermesser.

Messages from the Senate

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.

The Senate has substituted (S-6) the bill.

The Senate has passed the bill as substituted (S-6) 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 11 of chapter XVII (MCL 777.11), as amended by 2000 PA 279.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

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.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 977, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 2, line 4, by striking out "152,342,300" and inserting "151,232,300".
2. Amend page 2, line 8, by striking out "152,342,300" and inserting "151,232,300".
3. Amend page 2, line 14, by striking out "152,341,800" and inserting "151,231,800".
4. Amend page 2, line 17, by striking out "152,342,300" and inserting "151,232,300".
5. Amend page 2, line 21, by striking out "152,342,300" and inserting "151,232,300".
6. Amend page 3, following line 10, by striking out
"\"Liquor purchase revolving fund.....\" 210,000\".
7. Amend page 3, line 12, by striking out "1,500,000" and inserting "600,000".
8. Amend page 3, line 16, by striking out "152,341,800" and inserting "151,231,800".
9. Amend page 17, line 19, by striking out "1,500,000" and inserting "600,000".
10. Amend page 17, line 23, by striking out "1,500,000" and inserting "600,000".
11. Amend page 18, line 3, by striking out "1,500,000" and inserting "600,000".
12. Amend page 18, line 6, by striking out "1,500,000" and inserting "600,000".
13. Amend page 18, line 7, by striking out "1,500,000" and inserting "600,000".
14. Amend page 18, line 10, by striking out "1,500,000" and inserting "600,000".
15. Amend page 19, line 3, by striking out "90,308,000" and inserting "90,098,000".
16. Amend page 19, line 7, by striking out "90,308,000" and inserting "90,098,000".
17. Amend page 19, line 13, by striking out "90,308,000" and inserting "90,098,000".
18. Amend page 20, following line 9, by striking out
"\"DMC demolition program\" 210,000\".
19. Amend page 20, line 11, by striking out "60,993,000" and inserting "60,783,000".
20. Amend page 20, following line 14, by striking out
"\"Liquor purchase revolving fund.....\" 210,000\"
21. Amend page 24, line 16, after "is" by striking out "\$152,342,300.00" and inserting "\$151,232,300.00".
22. Amend page 26, following line 12, by inserting:
"\"Sec. 203. For the fiscal year ending September 30, 2000, general fund-general purpose unreserved balances at the final close of the fiscal year, not to exceed \$62,900,000.00, are appropriated and shall be transferred to the countercyclical budget and economic stabilization fund pursuant to section 354(4) of the management and budget act, 1984 PA 421, MCL 18.1354. If the total state revenues for the fiscal year ending September 30, 2000 have exceeded the revenue limit established under section 26 of article IX of the state constitution of 1963 by less than 1%, the appropriation contained in this section shall be considered a deposit into the countercyclical budget and economic stabilization fund pursuant to provisions of section 26 of article IX of the state constitution of 1963. If the total state revenues for the fiscal year ending September 30, 2000 have exceeded the revenue limit by 1% or more, the appropriation contained in this section shall not take place.\".
23. Amend page 27, following line 22, by striking out all of section 305.
24. Amend page 28, line 2, by striking out all of section 350.
25. Amend page 29, line 13, after "to" by striking out "\$1,500,000.00" and inserting "\$600,000.00".
26. Amend page 38, following line 25, by striking out all of section 606.
27. Amend page 41, following line 19, by inserting:
"\"(3) Section 212 of 2000 PA 291 is repealed.\".
28. Amend page 41, line 20, by striking out all of enacting section 1.

The Senate has concurred in the House substitute (H-1) as amended and ordered that the bill be given immediate effect.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Insurance and Financial Services from further consideration of **Senate Bill No. 645**.

Rep. Sanborn

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Insurance and Financial Services from further consideration of **Senate Bill No. 794**.

Rep. Sanborn

Rep. Clark moved that the House adjourn.
The motion prevailed, the time being 9:30 p.m.

Associate Speaker Pro Tempore Scranton declared the House adjourned until Thursday, December 14, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives.