

No. 85
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, December 8, 1999.

10:00 a.m.

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

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

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

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

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

Pastor John Pohanka of St. John's Lutheran Church of Midland offered the following invocation:

Almighty God, You guided our forefathers to the shores of this beautiful land, and we have received the inheritance of their sweat and toil. You have so richly blessed these United States and, in particular, this beautiful state of ours with its woods and waters, its abundant resources, and its men, women, and children. Forgive us where we have squandered Your resources and failed to live up to Your wishes for us. We seek Your presence among us, Your guidance to our thinking, and Your blessing upon our sincere and honest labors. Give wisdom and understanding to all who are in authority and who rule and govern, especially these Senators in this body here assembled; guide them that righteousness will mark their decisions, that the lives and the well-being of all persons will be deemed precious to them, and that truth and justice will prevail. May the future that will unfold before us be even better than the past, and may our words and actions bring honor to You, for we are but stewards of Your manifold goodness. Glory to God in the highest and peace on earth, goodwill to all. Amen.

Motions and Communications

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

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, December 7: **House Bill No. 4684**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 7, for his approval the following bills:

Enrolled Senate Bill No. 454 at 2:26 p.m.

Enrolled Senate Bill No. 725 at 2:28 p.m.

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

Senate Bill No. 605, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 701, 702, 705, 706, and 711 (MCL 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), sections 701 and 702 as amended by 1998 PA 66 and sections 705, 706, and 711 as added by 1996 PA 523.

The House of Representatives has amended the bill as follows:

1. Amend page 18, line 8, after "THROUGH" by striking out "JUNE 30" and inserting "DECEMBER 31".
2. Amend page 18, line 27, by striking out "JULY" and inserting "JANUARY".
3. Amend page 19, line 2, after "OF" by striking out "JULY" and inserting "JANUARY".
4. Amend page 19, line 4, after "FROM" by striking out "JULY" and inserting "JANUARY".
5. Amend page 34, line 16, by striking out all of subsection (7).
6. Amend page 35, line 18, after "1998" by inserting "OR DECEMBER 31, 1998, AS SPECIFIED IN THE WRITTEN ELECTION".
7. Amend page 35, line 20, after "1998" by inserting "OR JANUARY 1, 1999, AS APPROPRIATE PURSUANT TO THE DATE SPECIFIED BY THE MEMBER UNDER SUBDIVISION (A)".
8. Amend page 35, line 24, after "ON" by striking out "JUNE 30, 1998" and inserting "THE DATE SPECIFIED BY THE MEMBER UNDER SUBDIVISION (A)".

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 634

Yeas—15

Bullard
Byrum
Cherry
DeBeaussaert

Dingell
Gougeon
Koivisto
Leland

Miller
Murphy
Peters
Shugars

Smith, A.
Vaughn
Young

Nays—21

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

Excused—2

Emerson Smith, V.

Not Voting—0

In The Chair: President

Protest

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House amendments to Senate Bill No. 605.

Senator Jaye's statement is as follows:

I am opposed to this House version because it gives away the store at the taxpayers' expense. What we are doing now, if we approve this House-passed version, is we are allowing several judges to have a huge windfall in three specific methods.

First, more judges, by having this additional time, will now qualify for early retirement. They can take their pension money and run.

Second, as it has been explained to me, judges have different levels of pension benefits. After six years, eight years, or twelve years, there are step increases—not just an annual increase, but huge step increases. More of these judges, by having a second enrollment date, will artificially spike up their retirement benefits by being given this privilege that no other state employee is allowed.

Third, this allows judges to get a special tax break for their medical accounts and for their medical expenditures. This is another issue where working people do not have that privilege.

Last, and the most important issue to the concerns of the taxpayer, is the precedent that this sets. There are 65,000 state employees. We are going to hire even more with all these new prisons that will be approved with the capital outlay budget that will be presented to us later today. If we allow one class of state employees to be able to have a pension enhancement and to be able to enrich themselves at the taxpayers' expense, then every other state employee group will have standing and recourse to be able to do so as well at the cost of the taxpayers.

Some of these judges said that they did not have enough time to understand or make a decision. Hogwash! You might recall that last year we extended by another 30 or 60 days the time for judges to make a decision on whether they should have a traditional or nontraditional retirement plan.

Judges also have among the highest paid employees. These are executives, and their employees fully inform them on whether or not it would be to their individual benefit to have one pension plan or another.

Finally—and this is the part that I find the most objection to—is the greed. If a judge cashes-out their traditional pension program, the 7 percent match is going to come out of the General Fund taking money away from school kids, highways, senior programs, job training, and the environment and, instead, lining the pockets of judges who make \$116,000.00 to \$130,000.00 a year.

What I would suggest is that the money comes out of the judicial retirement account. The judicial retirement account has an over-funded surplus of an excess of \$40 million. Even though some people say don't worry, the state's not making contributions to the judicial retirement fund. All those fees that people have to pay when they go to court, a large portion of those fees, keep going into the judicial retirement account. So it is a shell game. It is accounting gimmickry. It is shifting the responsibility from the judges retirement account onto the backs of school children, people who need job training, environmental cleanup, road improvement, senior citizen programs, and a variety of other more meritorious ways we can spend our taxpayer money.

In summary, this is a golden parachute for politicians. Especially expensive is \$2-\$3 million or more as a payout for a handful of judges that is going to come back and haunt us individually, and collectively, it will haunt the taxpayers of the state of Michigan. I urge a rejection of this House substitute.

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

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

House Bill No. 5054

House Bill No. 5055

House Bill No. 5060

House Bill No. 5061

House Bill No. 5064

House Bill No. 5059

House Bill No. 4231

House Bill No. 5056

House Bill No. 5057

The motion prevailed.

The following bill was read a third time:

House Bill No. 5054, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 509n, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.509n, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, section 509n as added by 1994 PA 441, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding section 30; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator DeBeaussaert offered the following amendment:

1. Amend page 12, following line 17, by inserting:

"Sec. 758. ~~(1) For the purposes of~~ AS USED IN this act, "absent voter" means a qualified and registered elector who ~~meets 1 or more of the following requirements;~~

~~(a) On account of physical disability, cannot without another's assistance attend~~ WISHES TO VOTE WITHOUT ATTENDING the polls on the day of an election.

~~(b) On account of the tenets of his or her religion, cannot attend the polls on the day of election.~~

~~(c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.~~

~~(d) Is 60 years of age or older.~~

~~(e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.~~

~~(f) Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.~~

~~(2) Subsection (1) does not apply to~~ ABSENT VOTER DOES NOT INCLUDE a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year does not constitute a residence for voting purposes in this state, except for each of the following:

(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.

(b) A person described in section 759a."

The question being on the adoption of the amendment,

Senator DeBeaussaert requested the yeas and nays.

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

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

Roll Call No. 635

Yeas—14

Byrum
Cherry

Hart
Jaye

Miller
Murphy

Smith, A.
Vaughn

DeBeaussaert
Dingell

Koivisto
Leland

Peters

Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—2

Emerson

Smith, V.

Not Voting—0

In The Chair: President

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

Roll Call No. 636

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette

Schwarz
Shugars
Sikkema
Smith, A.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—2

Emerson

Smith, V.

Not Voting—0

In The Chair: President

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

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

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 509n, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.509n, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, section 509n as added by 1994 PA 441, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding sections 30 and 613c; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator V. Smith entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5055, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 826, 845, and 933 (MCL 168.558, 168.826, 168.845, and 168.933), sections 558 and 933 as amended by 1997 PA 137 and section 826 as amended by 1995 PA 261.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 3, following line 8, by inserting:

"Sec. 631. ~~Whenever~~ IF a special election ~~shall be~~ IS called to fill a vacancy in any office, the candidates for which are regularly nominated in accordance with the provisions of this act relating to primary nominations, a special primary for all political parties shall be held in the county, district, or city in which the vacancy occurs on ~~such~~ A day ~~as may be~~ fixed by the official or legislative body calling the special election, but not less than 20 60 days ~~prior to~~ BEFORE the date of ~~such~~ THE special election, and the authorities calling ~~any such~~ THE special primary shall, in the call therefor, fix the time within which candidates may file nominating petitions."

The question being on the adoption of the amendment,

Senator Jaye requested the yeas and nays.

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

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

Roll Call No. 637

Yeas—15

Byrum
Cherry
DeBeaussaert
Dingell

Hart
Jaye
Leland
Miller

Murphy
Peters
Rogers
Smith, A.

Smith, V.
Vaughn
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson
Koivisto

McCotter
McManus
North
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Emerson

Not Voting—0

In The Chair: President

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

Roll Call No. 638**Yeas—37**

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

Nays—0**Excused—1**

Emerson

Not Voting—0

In The Chair: President

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

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5060, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409c, 409l, 411, 413, 413a, 414, 424, 424a, 426b, 426d, 431, 433, 433a, 434, 444, 467, 467b, 467c, 467d, 467m, 544d, 624, 644f, 667, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b, 168.409c, 168.409l, 168.411, 168.413, 168.413a, 168.414, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.433a, 168.434, 168.444, 168.467, 168.467b, 168.467c, 168.467d, 168.467m, 168.544d, 168.624, 168.644f, 168.667, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, 467c, and 467m as amended by 1990 PA 32, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 639

Yeas—26

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

Nays—11

Byrum	Dingell	Peters	Vaughn
Cherry	Hart	Smith, A.	Young
DeBeaussaert	Murphy	Smith, V.	

Excused—1

Emerson

Not Voting—0

In The Chair: President

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

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

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

A bill to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent

with this act,” by amending sections 53, 71, 161, 163, 191, 193, 224, 254, 281, 322, 342, 349, 391, 404, 409, 409b, 409c, 409l, 411, 413, 413a, 414, 424, 424a, 426b, 426d, 431, 433, 433a, 434, 444, 467, 467b, 467c, 467d, 467m, 544d, 624, 644f, and 795 (MCL 168.53, 168.71, 168.161, 168.163, 168.191, 168.193, 168.224, 168.254, 168.281, 168.322, 168.342, 168.349, 168.391, 168.404, 168.409, 168.409b, 168.409c, 168.409l, 168.411, 168.413, 168.413a, 168.414, 168.424, 168.424a, 168.426b, 168.426d, 168.431, 168.433, 168.433a, 168.434, 168.444, 168.467, 168.467b, 168.467c, 168.467d, 168.467m, 168.544d, 168.624, 168.644f, and 168.795), sections 53, 163, 193, 224, 254, 322, 349, 409b, 413, 426d, 433, 467b, and 624 as amended by 1996 PA 583, sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1982 PA 505, sections 409l, 424, 424a, 444, 467c, and 467m as amended by 1990 PA 32, section 544d as amended by 1988 PA 116, section 644f as amended by 1990 PA 7, and section 795 as amended by 1998 PA 21, and by adding section 544f; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5060.

Senator Cherry’s statement is as follows:

I voted “no” on the passage of House Bill No. 5060 because it has the effect of raising the number of signatures a candidate must get to run for public office. I think that our role today ought to be about enhancing democracy, encouraging people to run for public office, and expanding the franchise. This strikes me as a step backwards. So, on that basis, I voted “no.”

The following bill was read a third time:

House Bill No. 5061, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 471, 472a, 474a, 475, 476, 477, 544c, and 961 (MCL 168.471, 168.472a, 168.474a, 168.475, 168.476, 168.477, 168.544c, and 168.961), section 544c as amended by 1993 PA 137 and section 961 as amended by 1982 PA 456, and by adding sections 9a and 473b.

The question being on the passage of the bill,

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

Roll Call No. 640

Yeas—23

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

Nays—14

Byrum	Hart	Murphy	Smith, V.
Cherry	Koivisto	Peters	Vaughn
DeBeaussiaert	Leland	Smith, A.	Young
Dingell	Miller		

Excused—1

Emerson

Not Voting—0

In The Chair: President

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

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,”

The Senate agreed to the full title.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5061.

Senator Cherry’s statement is as follows:

I voted “no” on House Bill No. 5061 because the right to referendum is a basic constitutional right in the state of Michigan. It allows citizens to express their concerns and bring to halt actions of the Michigan Legislature that they find to be inappropriate and arbitrary. This bill has the effect of making that a little bit more difficult for the public citizen to exercise. On that basis, I voted “no.” Ultimately, I think the ability of our constituents and our citizens to exercise their political rights ought to be expanded, not diminished. Consequently, I opposed this bill and voted “no.”

The following bill was read a third time:

House Bill No. 5064, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 31, 552, 961a, and 963 (MCL 168.31, 168.552, 168.961a, and 168.963), section 31 as amended by 1998 PA 215, section 552 as amended by 1990 PA 7, and sections 961a and 963 as amended by 1982 PA 456.

The question being on the passage of the bill,

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

Roll Call No. 641**Yeas—23**

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

Nays—13

Byrum	Hart	Miller	Smith, A.
Cherry	Koivisto	Murphy	Smith, V.
DeBeaussaert	Leland	Peters	Vaughn
Dingell			

Excused—1

Emerson

Not Voting—1

Young

In The Chair: President

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

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

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

Senator Young stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “nay”:

House Bill No. 5064

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

The following bill was read a third time:

House Bill No. 5059, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 5, 22, 24, 26, 28, 29, 41, and 42 (MCL 169.205, 169.222, 169.224, 169.226, 169.228, 169.229, 169.241, and 169.242), sections 5, 26, and 29 as amended by 1995 PA 264, section 22 as amended by 1989 PA 95, and sections 24, 28, 41, and 42 as amended by 1994 PA 117, and by adding section 18; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 15, following line 17, by inserting:

“Sec. 52. (1) Except as provided in subsection (5) and subject to subsection (8), a person other than an independent committee or a political party committee shall not make contributions to a candidate committee of a candidate for elective office that, with respect to an election cycle, are more than the following:

(a) \$3,400.00 for a candidate for state elective office other than the office of state legislator, or for a candidate for local elective office if the district from which he or she is seeking office has a population of more than 250,000.

(b) \$1,000.00 for a candidate for state senator, or for a candidate for local elective office if the district from which he or she is seeking office has a population of more than 85,000 but 250,000 or less.

(c) \$500.00 for a candidate for state representative, or for a candidate for local elective office if the district from which he or she is seeking office has a population of 85,000 or less.

(2) Except as otherwise provided in this subsection, an independent committee shall not make contributions to a candidate committee of a candidate for elective office that, in the aggregate for that election cycle, are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1). A house political party caucus committee or a senate political party caucus committee is not limited under this subsection in the amount of contributions made to the candidate committee of a candidate for the office of state legislator, except as follows:

(a) A house political party caucus committee or a senate political party caucus committee shall not pay a debt incurred by a candidate if that debt was incurred while the candidate was seeking nomination at a primary election and the candidate was opposed at that primary.

(b) A house political party caucus committee or a senate political party caucus committee shall not make a contribution to or make an expenditure on behalf of a candidate if that candidate is seeking nomination at a primary election and the candidate is opposed at that primary.

(3) A political party committee other than a state central committee shall not make contributions to the candidate committee of a candidate for elective office that are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

(4) A state central committee of a political party shall not make contributions to the candidate committee of a candidate for state elective office other than a candidate for the legislature that are more than 20 times the amount permitted a person other than an independent committee or political party committee in subsection (1). A state central committee of a political party shall not make contributions to the candidate committee of a candidate for state senator, state representative, or local elective office that are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

(5) A contribution from a member of a candidate's immediate family to the candidate committee of that candidate is exempt from the limitations of subsection (1).

(6) Consistent with the provisions of this section, a contribution designated in writing for a particular election cycle is considered made for that election cycle. A contribution made after the close of a particular election cycle and designated in writing for that election cycle shall be made only to the extent that the contribution does not exceed the candidate committee's net outstanding debts and obligations from the election cycle so designated. If a contribution is not designated in writing for a particular election cycle, the contribution is considered made for the election cycle that corresponds to the date of the written instrument.

(7) A candidate committee, a candidate, or a treasurer or agent of a candidate committee shall not accept a contribution with respect to an election cycle that exceeds the limitations in subsection (1), (2), (3), or (4).

(8) The contribution limits in subsection (1) for a candidate for local elective office are effective on the effective date of the amendatory act that provides for those contribution limits, however, only contributions received by that candidate on and after that date shall be used to determine if the contribution limit has been reached.

(9) AN INDIVIDUAL SHALL NOT MAKE CONTRIBUTIONS TO A STATE CENTRAL COMMITTEE THAT EXCEED \$5,000.00 IN A CALENDAR YEAR. A STATE CENTRAL COMMITTEE SHALL NOT ACCEPT A CONTRIBUTION WITH RESPECT TO A CALENDAR YEAR THAT EXCEEDS THE LIMITATION IN THIS SUBSECTION.

~~(9)~~(10) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is not an individual, by a fine of not more than \$10,000.00.

~~(10)~~(11) For purposes of the limitations provided in subsections (1) and (2), all contributions made by political committees or independent committees established by any corporation, joint stock company, domestic dependent sovereign, or labor organization, including any parent, subsidiary, branch, division, department, or local unit thereof, shall be considered to have been made by a single independent committee. By way of illustration and not limitation, all of the following apply as a result of the application of this requirement:

(a) All of the political committees and independent committees established by a for profit corporation or joint stock company, by a subsidiary of the for profit corporation or joint stock company, or by any combination thereof, are treated as a single independent committee.

(b) All of the political committees and independent committees established by a single national or international labor organization, by a labor organization of that national or international labor organization, by a local labor organization of that national or international labor organization, or by any other subordinate organization of that national or international labor organization, or by any combination thereof, are treated as a single independent committee.

(c) All of the political committees and independent committees established by an organization of national or international unions, by a state central body of that organization, by a local central body of that organization, or by any combination thereof, are treated as a single independent committee.

(d) All of the political committees and independent committees established by a nonprofit corporation, by a related state entity of that nonprofit corporation, by a related local entity of that nonprofit corporation, or by any combination thereof, are treated as a single independent committee.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 642

Yeas—16

Byrum
Cherry
DeBeaussiaert
Dingell

Goschka
Hart
Jaye
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

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

Excused—1

Emerson

Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendment:

1. Amend page 15, following line 17, by inserting:

“SEC. 58. (1) A CONTRACTOR OR PERSON WHO HAS AN INTEREST IN A CONTRACTOR SHALL NOT MAKE A CONTRIBUTION TO A CANDIDATE OR A COMMITTEE DURING THE FOLLOWING PERIODS:

(A) THE TIME PERIOD DURING WHICH THE CONTRACTOR HAS A CONTRACT WITH THIS STATE.

(B) THE 3 YEARS FOLLOWING THE FINAL EXPIRATION OR TERMINATION OF THE CONTRACTOR’S CONTRACT WITH THIS STATE.

(2) A CONTRACTOR OR PERSON WHO HAS AN INTEREST IN A CONTRACTOR SHALL NOT MAKE A CONTRIBUTION TO A CANDIDATE OR COMMITTEE THROUGH A LEGAL ENTITY THAT IS ESTABLISHED, DIRECTED, OR CONTROLLED BY ANY OF THE PERSONS DESCRIBED IN THIS SUBSECTION DURING THE TIME PERIOD DESCRIBED IN SUBSECTION (1).

(3) FOR PURPOSES OF THIS SECTION, A PERSON IS CONSIDERED TO HAVE AN INTEREST IN A CONTRACTOR IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

(A) THE PERSON HOLDS AT LEAST A 1% INTEREST IN THE CONTRACTOR.

(B) THE PERSON IS AN OFFICER OR A MANAGERIAL EMPLOYEE OF THE CONTRACTOR AS DEFINED BY RULES PROMULGATED BY THE DEPARTMENT.

(C) THE PERSON IS AN OFFICER OF THE PERSON WHO HOLDS AT LEAST A 1% INTEREST IN THE CONTRACTOR.

(D) THE PERSON IS AN INDEPENDENT COMMITTEE OF THE CONTRACTOR.

(4) A CONTRACTOR IS CONSIDERED TO HAVE MADE A CONTRIBUTION IF A CONTRIBUTION IS MADE BY A PERSON WHO HAS AN INTEREST IN THE CONTRACTOR.

(5) AS USED IN THIS SECTION:

(A) “CANDIDATE” MEANS BOTH OF THE FOLLOWING:

(i) THAT TERM AS DEFINED IN SECTION 3 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.203.

(ii) THE HOLDER OF ANY STATE, LEGISLATIVE, OR LOCAL ELECTIVE OFFICE.

(B) “CONTRACTOR” MEANS A PERSON WHO HAS ENTERED INTO A CONTRACT WITH THIS STATE TO PROVIDE SUPPLIES OR SERVICES DESCRIBED IN SECTION 261 OF THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.261.

(C) “COMMITTEE” MEANS ANY OF THE FOLLOWING:

(i) A CANDIDATE COMMITTEE AS THAT TERM IS DEFINED IN SECTION 3 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.203.

(ii) A POLITICAL PARTY COMMITTEE AS THAT TERM IS DEFINED IN SECTION 11 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.211.

(iii) AN INDEPENDENT COMMITTEE AS THAT TERM IS DEFINED IN SECTION 8 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.208.

(iv) A COMMITTEE ORGANIZED BY A LEGISLATIVE CAUCUS OF A CHAMBER OF THE LEGISLATURE.

(D) "OFFICER" MEANS EITHER OF THE FOLLOWING:

(i) AN INDIVIDUAL LISTED AS AN OFFICER OF A CORPORATION, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP.

(ii) AN INDIVIDUAL WHO IS A SUCCESSOR TO AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (i).".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 643

Yeas—16

Byrum
Cherry
DeBeaussaert
Dingell

Goschka
Hart
Jaye
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Emerson

Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendment:

1. Amend page 15, following line 17, by inserting:

"SEC. 59. (1) AN AUTHORIZED BUSINESS OR PERSON WHO HAS AN INTEREST IN AN AUTHORIZED BUSINESS SHALL NOT MAKE A CONTRIBUTION TO A CANDIDATE OR A COMMITTEE DURING THE FOLLOWING PERIODS:

(A) THE TIME PERIOD DURING WHICH THE AUTHORIZED BUSINESS IS ELIGIBLE FOR A TAX CREDIT AS PROVIDED IN THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.801 ET SEQ.

(B) THE 3 YEARS FOLLOWING THE FINAL EXPIRATION OR TERMINATION OF THE AUTHORIZED BUSINESS' ELIGIBILITY FOR A TAX CREDIT AS PROVIDED IN THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.801 ET SEQ.

(2) AN AUTHORIZED BUSINESS OR PERSON WHO HAS AN INTEREST IN AN AUTHORIZED BUSINESS SHALL NOT MAKE A CONTRIBUTION TO A CANDIDATE OR COMMITTEE THROUGH A LEGAL ENTITY THAT IS ESTABLISHED, DIRECTED, OR CONTROLLED BY ANY OF THE PERSONS DESCRIBED IN THIS SUBSECTION DURING THE TIME PERIODS DESCRIBED IN SUBSECTION (1).

(3) FOR PURPOSES OF THIS SECTION, A PERSON IS CONSIDERED TO HAVE AN INTEREST IN AN AUTHORIZED BUSINESS IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

(A) THE PERSON HOLDS AT LEAST A 1% INTEREST IN THE AUTHORIZED BUSINESS.

(B) THE PERSON IS AN OFFICER OR A MANAGERIAL EMPLOYEE OF THE AUTHORIZED BUSINESS AS DEFINED BY RULES PROMULGATED BY THE AUTHORITY.

(C) THE PERSON IS AN OFFICER OF A PERSON WHO HOLDS AT LEAST A 1% INTEREST IN THE AUTHORIZED BUSINESS.

(D) THE PERSON IS AN INDEPENDENT COMMITTEE OF THE AUTHORIZED BUSINESS.

(4) AN AUTHORIZED BUSINESS IS CONSIDERED TO HAVE MADE A CONTRIBUTION IF A CONTRIBUTION IS MADE BY A PERSON WHO HAS AN INTEREST IN THE AUTHORIZED BUSINESS.

(5) AS USED IN THIS SECTION:

(A) "AUTHORIZED BUSINESS" MEANS THAT TERM AS DEFINED IN SECTION 3(A) OF THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, 1995 PA 24, MCL 207.803(A).

(B) "CANDIDATE" MEANS BOTH OF THE FOLLOWING:

(i) THAT TERM AS DEFINED IN SECTION 3 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.203.

(ii) THE HOLDER OF ANY STATE, LEGISLATIVE, OR LOCAL ELECTIVE OFFICE.

(C) "COMMITTEE" MEANS ANY OF THE FOLLOWING:

(i) A CANDIDATE COMMITTEE AS THAT TERM IS DEFINED IN SECTION 3 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.203.

(ii) A POLITICAL PARTY COMMITTEE AS THAT TERM IS DEFINED IN SECTION 11 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.211.

(iii) AN INDEPENDENT COMMITTEE AS THAT TERM IS DEFINED IN SECTION 8 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.208.

(iv) A COMMITTEE ORGANIZED BY A LEGISLATIVE CAUCUS OF A CHAMBER OF THE LEGISLATURE.

(D) "OFFICER" MEANS EITHER OF THE FOLLOWING:

(i) AN INDIVIDUAL LISTED AS AN OFFICER OF A CORPORATION, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP.

(ii) AN INDIVIDUAL WHO IS A SUCCESSOR TO AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (i).".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 644

Yeas—16

Byrum
Cherry
DeBeaussaert
Dingell

Hart
Jaye
Koivisto
Leland

Miller
Murphy
Peters
Schwarz

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Rogers
Schuette

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Emerson

Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendment:

1. Amend page 15, following line 17, by inserting:

“SEC. 62A. (1) A CANDIDATE SHALL NOT RECEIVE MONIES FROM THE STATE CAMPAIGN FUND UNLESS THE CANDIDATE AGREES TO DEBATE ALL OTHER CANDIDATES WHO QUALIFY TO APPEAR ON THE BALLOT FOR THE PRIMARY AND GENERAL ELECTIONS AS PROVIDED BY THIS SECTION.

(2) A CANDIDATE WHO QUALIFIES TO APPEAR ON THE BALLOT FOR THE PRIMARY ELECTION SHALL NOT RECEIVE MONIES FROM THE STATE CAMPAIGN FUND UNLESS THAT CANDIDATE PARTICIPATES IN AT LEAST 2 DEBATES PRIOR TO THE DATE OF THE PRIMARY ELECTION.

(3) A CANDIDATE WHO QUALIFIES TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION SHALL NOT RECEIVE MONIES FROM THE STATE CAMPAIGN FUND UNLESS THAT CANDIDATE PARTICIPATES IN AT LEAST 3 DEBATES FOLLOWING THE DATE OF THE PRIMARY ELECTION BUT PRIOR TO THE DATE OF THE GENERAL ELECTION.

(4) FOR THE PURPOSES OF THIS SECTION, “DEBATE” MEANS A PUBLIC DISCUSSION AMONG ELECTION CANDIDATES REGARDING PUBLIC POLICY THAT IS SPONSORED BY A NEUTRAL CIVIC ORGANIZATION AND THAT OFFERS EACH PARTICIPANT AN EQUAL OPPORTUNITY TO STATE HIS OR HER VIEWS.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 645**Yeas—13**

Cherry
DeBeaussaert
Dingell
Hart

Jaye
Leland
Miller

Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—24

Bennett
Bullard
Byrum
DeGrow
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

Koivisto
McCotter
McManus
North
Rogers
Schuette

Schwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Emerson

Not Voting—0

In The Chair: Schwarz

Senator Emerson entered the Senate Chamber.

Senator V. Smith offered the following substitute:
Substitute (S-2).

The question being on the adoption of the substitute,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 646

Yeas—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Koivisto
Leland
Miller

Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—23

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

McCotter
McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—1

Hart

In The Chair: Schwarz

Protest

Senator Sikkema, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the substitute offered by Senator V. Smith to House Bill No. 5059 and moved that the statement he made during the discussion of the substitute be printed as his reasons for voting “no.”

The motion prevailed.

Senator Sikkema’s statement is as follows:

I rise to oppose this substitute. Once again, I think we are at a point in our experience with campaign finance reform that we are prepared and should be prepared to make a decision for full disclosure. This is not about whether grandmother can play bingo. There are plenty of bingo games out there, with the money going to charitable causes and good causes.

We have to make the decision as I think we have in the past. When it comes to money in the political system, we want a full count on who gives that money and how much.

I continue to be surprised at this argument that \$18 million a year on a gross basis, or \$2 million on a net basis annually, is not cause for concern. To the argument that this is an onerous requirement—that was the argument made on campaign finance reform 25 years ago when we went to a system of disclosure of annual and regular reports. If it is onerous, it’s only onerous upon us as candidates and organizations that have to report to. I think that is a burden we ought to willingly assume.

Senator V. Smith moved that Senator Hart be temporarily excused from the balance of today’s session.

The motion prevailed.

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

Roll Call No. 647**Yeas—23**

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

Nays—15

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

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

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

“An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

Protest

Senator V. Smith, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5059 and moved that the statement he made during the discussion of the on the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator V. Smith’s statement is as follows:

I rise in opposition to House Bill No. 5059. In our estimation this bill starts at the bottom of the rung, rather than going after the big money—dollars in soft money, which this legislation should be targeting. We are also afraid that the bingo games that grandmother does participate in put her in an amount of jeopardy.

We are now requiring that the campaign finance information has to be filed in a timely fashion. If it's not filed, you are guilty of a 90-day misdemeanor. We are very concerned that the people who play bingo games—my mother is a regular player of bingo games. I'm not quite sure, at 78 years old, she would be astute enough to know that, if she goes to a bingo game that happens to be held by a Democratic club in one of our cities or villages, she would have a reporting requirement for the \$10 she drops at the bingo game that day and therefore, would be in violation of a misdemeanor and subject to a 90-day jail term.

That is really what's on the table with House Bill No. 5059. We think it provides a great deal of jeopardy for our senior citizens in this state, who primarily are the ones who are playing bingo games. They may not always make the distinction between charitable bingo or political bingo. We really think this is a little overboard to put them in jeopardy and in violation of the criminal laws of this state and subject them to jail time and fines. If for some reason they do happen to step into the wrong bingo hall or continue to play in the wrong bingo hall, they are subject to the criminal penalties of this state by not filing in a timely fashion the campaign information that would be required if they happen to play five dollars worth of bingo. On that basis, I would hope that the body, since they did not see fit to take the offending language out and turn down House Bill No. 5059.

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in opposition to the Peters' amendment. I think what it does is it brands anyone who gives a large amount of money to a political party as wanting something in return. Or those who give are doing so for reasons of mal-intent, greed, or self interest. On the shadowy edges of life.

I object to that. I have gone through the list of these names here. Many of whom I know. I have to tell you that the people on this list, those who I know very well, are honest folk of good value. Who may not agree with everything the Republican party does, or I do, or every member here on my side of the aisle, but they do believe that we should have a state and a system where ideas are debated. Philosophies are contested. The people I know well on this list, and others who are not on it, believe very strongly, at least from my party perspective, that lower taxes, a streamlined welfare system that encourages work not being on the dole, an opportunity to empower parents to choose where they may wish to go to school, or making sure that we build generations of young people of every color that have opportunity, whether they live in suburbia or a city. They believe that smaller government is better and that ideas have consequences. That we ought to build a Michigan of the future that is about better schools, more jobs, lower taxes, and stronger families.

That is why they give. They are not giving for something in return, but they do value the ideas and philosophies that are espoused by those who share the values of better schools, more jobs, and lower taxes. It is not that they want something in return, but they believe in the power of ideas.

We should reject the Peters' amendment.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

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

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

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

Recess

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

The motion prevailed, the time being 12:08 p.m.

12:27 p.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

During the recess Senators Johnson and Peters introduced to the Senate and presented special tributes to the Detroit Country Day School soccer, football, cheerleader, and girls basketball teams.

Team captains responded briefly.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 12:31 p.m.

12:57 p.m.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4231, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by repealing section 49 (MCL 169.249).

The question being on the passage of the bill,

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

Roll Call No. 648

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Murphy

Stille

In The Chair: Schwarz

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

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

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

“An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign

advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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

Senator V. Smith moved that Senator Murphy be temporarily excused from the balance of today’s session.
The motion prevailed.

Senator Stille entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5056, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 16 and 32 (MCL 169.216 and 169.232), section 16 as amended by 1992 PA 188 and section 32 as amended by 1995 PA 264.

The question being on the passage of the bill,

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

Roll Call No. 649

Yeas—36

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

Nays—1

Smith, V.

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

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

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

“An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

Protest

Senator V. Smith, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5056.

Senator V. Smith's statement is as follows:

I voted “no” on House Bill No. 5056 for a number of very important reasons. One, this bill contains substantial fee increases on the filing of a late contribution. The fine, which is \$25 per day, had a total of \$500 that it could go to, and now the fine can go up to a total of \$2,000. I believe the late contribution now will be \$100 per day, and it can go up to a total of \$2,000 per day. That, in my mind, is a problem in terms of the filing of late contributions.

What makes this bill even worse is a bill that is on General Orders that would come before this body which would say that these fines that you get for filing campaign contribution reports late cannot come out of your committee, but would have to come out of your pocket personally. So, for those members who have deep pockets, I guess they can reach in there and pull out \$2,000. But for many candidates and many elected officials, a \$2,000 fine having to be paid personally would be, I think, onerous and even corrosive.

I do believe that the increase in these fines and the potential to have the bill that is on General Orders pass, which makes these fines no longer payable out of committee accounts, but have to be paid personally, are not good public policy. Therefore, I voted against House Bill No. 5056.

The following bill was read a third time:

House Bill No. 5057, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendment:

1. Amend page 8, following line 9, by inserting:

“SEC. 18. (1) THE SECRETARY OF STATE SHALL DEVELOP AND IMPLEMENT AN ELECTRONIC FILING AND INTERNET DISCLOSURE SYSTEM THAT PERMITS COMMITTEES THAT ARE REQUIRED TO FILE STATEMENTS OR REPORTS UNDER THIS ACT WITH THE SECRETARY OF STATE TO FILE THOSE STATEMENTS OR REPORTS ELECTRONICALLY AND THAT PROVIDES INTERNET DISCLOSURE OF ELECTRONICALLY FILED STATEMENTS OR REPORTS ON A WEBSITE.

(2) BY JULY 1, 2000, THE SECRETARY OF STATE SHALL OFFER EACH COMMITTEE REQUIRED TO FILE WITH THE SECRETARY OF STATE THE OPTION OF FILING CAMPAIGN STATEMENTS OR REPORTS ELECTRONICALLY, AS DESCRIBED IN SUBSECTION (1).

(3) THE ELECTRONIC FILING ADVISORY BOARD IS CREATED WITHIN THE DEPARTMENT OF STATE. THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

(A) ONE MEMBER OF THE SENATE APPOINTED BY THE SENATE MAJORITY LEADER.

(B) ONE MEMBER OF THE SENATE APPOINTED BY THE SENATE MINORITY LEADER.

(C) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE.

(D) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE HOUSE MINORITY LEADER.

(E) THE SECRETARY OF STATE OR HIS OR HER DESIGNEE.

(4) THE MEMBERS FIRST APPOINTED TO THE BOARD SHALL BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. MEMBERS OF THE BOARD SHALL SERVE FOR THE LIFE OF THE BOARD.

(5) IF A MEMBER OF THE BOARD APPOINTED UNDER SUBSECTION (3)(A), (B), (C), OR (D) VACATES HIS OR HER OFFICE AS A MEMBER OF THE BOARD, A SUCCESSOR SHALL BE APPOINTED IN THE SAME MANNER AS THE VACATING MEMBER WAS APPOINTED.

(6) A MEMBER OF THE BOARD APPOINTED UNDER SUBSECTION (3)(A), (B), (C), OR (D) MAY BE REMOVED FROM OFFICE AS A MEMBER OF THE BOARD BY THE OFFICER WHO APPOINTED HIM OR HER, FOR INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

(7) THE FIRST MEETING OF THE BOARD SHALL BE CALLED BY THE SECRETARY OF STATE. AT THE FIRST MEETING, THE BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE BOARD SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2 OR MORE MEMBERS.

(8) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE BOARD.

(9) THE BUSINESS THAT THE BOARD MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(11) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE BOARD.

(12) THE DEPARTMENT OF STATE SHALL PROVIDE STAFF FOR THE BOARD.

(13) THE BOARD SHALL DO ALL OF THE FOLLOWING:

(A) MONITOR THE VOLUNTARY ELECTRONIC FILING OF CAMPAIGN STATEMENTS UNDER SUBSECTION (2) IN THE 2000 AND 2002 ELECTION CYCLE BY CANDIDATE COMMITTEES THAT RECEIVED OR EXPENDED MORE THAN \$20,000.00 IN THE PRECEDING ELECTION CYCLE.

(B) MONITOR THE INTERNET DISCLOSURE OF ELECTRONICALLY FILED CAMPAIGN STATEMENTS DESCRIBED IN SUBDIVISION (A).

(C) BY FEBRUARY 1, 2003, PREPARE AND SUBMIT TO MEMBERS OF THE LEGISLATURE A REPORT ON THE EFFECTIVENESS AND EASE OF USE OF THE ELECTRONIC FILING AND INTERNET DISCLOSURE SYSTEM.

(14) THE BOARD IS DISSOLVED 60 DAYS AFTER ISSUING THE REPORT UNDER SUBSECTION (13).

(15) BEGINNING WITH THE ANNUAL CAMPAIGN STATEMENT DUE JANUARY 31, 2004, EACH COMMITTEE REQUIRED TO FILE WITH THE SECRETARY OF STATE THAT RECEIVED OR EXPENDED \$20,000.00 OR MORE IN THE PRECEDING CALENDAR YEAR OR EXPECTS TO RECEIVE OR EXPEND \$20,000.00 OR MORE IN THE CURRENT CALENDAR YEAR SHALL ELECTRONICALLY FILE ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT, AS DESCRIBED IN SUBSECTION (1).

(16) IF A COMMITTEE WAS NOT REQUIRED TO FILE A CAMPAIGN STATEMENT UNDER SUBSECTION (15) ONLY BECAUSE IT DID NOT MEET THE APPLICABLE THRESHOLD OF RECEIVING OR EXPENDING \$20,000.00 OR MORE, BUT THE COMMITTEE LATER REACHES THAT THRESHOLD, THE COMMITTEE SHALL NOTIFY THE SECRETARY OF STATE WITHIN 10 BUSINESS DAYS AFTER REACHING THAT THRESHOLD AND SHALL SUBSEQUENTLY FILE ELECTRONICALLY ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT.

(17) THE SECRETARY OF STATE SHALL PERMIT A COMMITTEE TO ELECTRONICALLY FILE STATEMENTS AND REPORTS REQUIRED UNDER THIS ACT, AS DESCRIBED IN SUBSECTION (1), EXCEPT AN ORIGINAL STATEMENT OF ORGANIZATION, AFTER THE COMMITTEE TREASURER AND, FOR A CANDIDATE COMMITTEE, THE CANDIDATE HAS SIGNED AND FILED A FORM DESIGNED BY THE SECRETARY OF STATE TO SERVE AS THE SIGNATURE VERIFYING THE ACCURACY AND COMPLETENESS OF EACH STATEMENT OR REPORT FILED ELECTRONICALLY.”

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

The question being on the passage of the bill,

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

Roll Call No. 650

Yeas—37

Bennett
Bullard

Gast
Goschka

Leland
McCotter

Shugars
Sikkema

Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

McManus
Miller
North
Peters
Rogers
Schuette
Schwarz

Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

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

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

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

A bill to amend 1976 PA 388, entitled “An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts,” by amending sections 15, 33, 34, and 35 (MCL 169.215, 169.233, 169.234, and 169.235), section 15 as amended by 1996 PA 590, section 33 as amended by 1995 PA 264, and sections 34 and 35 as amended by 1989 PA 95, and by adding section 18.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bills, now on Committee Reports, be placed at the head of the General Orders calendar for consideration today:

House Bill No. 4475

House Bill No. 4476

House Bill No. 4592

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

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 651

Yeas—23

Bennett
Bullard

Goschka
Gougeon

McCotter
McManus

Shugars
Sikkema

DeGrow
Dunaskiss
Emmons
Gast

Hammerstrom
Hoffman
Jaye
Johnson

North
Rogers
Schuette
Schwarz

Steil
Stille
Van Regenmorter

Nays—13

Byrum
Cherry
DeBeausaert
Dingell

Hart
Koivisto
Leland

Miller
Peters
Smith, A.

Smith, V.
Vaughn
Young

Excused—1

Murphy

Not Voting—1

Emerson

In The Chair: Schwarz

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

December 8, 1999

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the Conference Committee on Senate Bill 605:

Senator William Van Regenmorter (Chair)
Senator Joanne G. Emmons
Senator Bob Emerson

Sincerely,
Dan DeGrow
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communications were received:
Joint Committee on Administrative Rules

December 1, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-58, submitted by the Department of Education, State Tenure Commission, pertaining to General Rules.

December 1, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-61, submitted by the Department of Consumer and Industry Services, Wage and Hour Division, pertaining to General Rules.

December 1, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-62, submitted by the Department of Consumer and Industry Services, Wage and Hour Division, pertaining to Overtime Compensation.

Certificates of Approval

Date: December 1, 1999

Subject: Trans. No. 99-40

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Control—Emission Limitations and Prohibitions (Part 6)—Existing Sources of Volatile Organic Compound Emissions, dated March 30, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-41

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Department of Consumer and Industry Services, Corporation, Securities and Land Development Bureau, pertaining to Manufactured Housing, dated July 23, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-42

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to Nursing—Nursing Scholarship Program (Part 7), dated July 27, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-48

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to Cosmetology, dated August 10, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-49

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to Boilers, dated August 12, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-50

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to Dormitory Fire Safety for Schools, Colleges, and Universities, dated August 18, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-51

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to Fire Prevention, dated August 18, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-52

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, State Fire Safety Board, pertaining to New and Existing School, College, and University Fire Safety, dated August 18, 1999.

Date: December 1, 1999

Subject: Trans. No. 99-53

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Treasury, Bureau of State Lottery, pertaining to Lottery Rules, dated September 1, 1999.

Date: December 1, 1999
Subject: Trans. No. 99-54

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality, Environmental Assistance Division, pertaining to Small Business Pollution Prevention Assistance Loan, dated August 30, 1999.

Date: December 1, 1999
Subject: Trans. No. 99-55

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Department of Transportation, Bureau of Urban and Public Transportation, pertaining to State Rail Line Divestiture, dated June 16, 1999.

Date: December 1, 1999
Subject: Trans. No. 99-56

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Unemployment Agency Director's Office, pertaining to Employment Security, dated August 1, 1999.

Date: December 1, 1999
Subject: Trans. No. 99-57

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Public Service Commission, pertaining to Gas Safety, dated August 31, 1999.

Date: December 1, 1999
Subject: Trans. No. 99-59

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to General Industry Safety Standards—Fire Brigades (Part 73), dated December 11, 1998.

Date: December 1, 1999
Subject: Trans. No. 99-60

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Consumer and Industry Services, Director's Office, pertaining to Boilers (Miniature Locomotives), dated October 18, 1999.

Sincerely,
Representative Marc Shulman
Chair

The communications were referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Wednesday, December 1, 1999, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Hammerstrom (C), Steil and Hart

Absent: Senators Van Regenmorter and Murphy

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

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

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

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

House Bill No. 4592, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7 (MCL 29.7).

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

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

House Bill No. 4476, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 103 and 301 (MCL 37.2103 and 37.2301), section 103 as amended by 1992 PA 124 and section 301 as amended by 1992 PA 70.

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

1. Amend page 2, line 16, after "entity" by striking out the balance of the subdivision and inserting a period.
2. Amend page 3, following line 14, by inserting:

"Sec. 205a. (1) An employer, employment agency, or labor organization, other than a law enforcement agency of ~~the~~ THIS state or a political subdivision of ~~the~~ THIS state, shall not in connection with an application for employment ~~, personnel,~~ or membership, or in connection with the terms, conditions, or privileges ~~or~~ OF employment ~~, personnel,~~ or membership request, make, or maintain a record of information regarding ~~an~~ A MISDEMEANOR arrest, detention, or disposition ~~of a violation of law in which~~ WHERE a conviction did not result. A person ~~shall~~ IS not ~~be held~~ guilty of perjury or otherwise FOR giving a false statement by failing to recite or acknowledge information the person has a civil right to withhold by this section. This section ~~shall~~ DOES not apply to information relative to a felony charge before conviction or dismissal.

(2) AS USED IN THIS SECTION, "LAW ENFORCEMENT AGENCY" INCLUDES THE STATE DEPARTMENT OF CORRECTIONS."

3. Amend page 4, line 15, after "intent" by inserting "in the court of appeals decision Neal v Department of Corrections, 232 Mich App 730 (1998)".

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

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

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 103 and 301 (MCL 37.1103 and 37.1301), section 103 as amended by 1998 PA 20 and section 301 as amended by 1980 PA 478.

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

1. Amend page 3, line 21, after "agency" by striking out the balance of the subdivision and inserting a period.
2. Amend page 5, line 12, after "is" by striking out the balance of the line through line 14 and inserting "curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision in Doe v Department of Corrections, 236 Mich App 801 (1999). This legislation further expresses".

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4475

House Bill No. 4476

House Bill No. 4592

On which motion Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 652

Yeas—23

Bennett
Bullard

Goschka
Gougeon

McCotter
McManus

Shugars
Sikkema

DeGrow
Dunaskiss
Emmons
Gast

Hammerstrom
Hoffman
Jaye
Johnson

North
Rogers
Schuette
Schwarz

Steil
Stille
Van Regenmorter

Nays—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Peters
Smith, A.

Smith, V.
Vaughn
Young

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4476, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending sections 103 and 301 (MCL 37.2103 and 37.2301), section 103 as amended by 1992 PA 124 and section 301 as amended by 1992 PA 70.

The question being on the passage of the bill,

The President, Lieutenant Governor Posthumus, resumed the Chair.

Senator V. Smith offered the following amendment:

1. Amend page 4, line 14, after “1.” by striking out the balance of the enacting section and inserting “This amendatory act shall not be applied retroactively.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

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

Roll Call No. 653

Yeas—15

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—23

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

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

Roll Call No. 654**Yeas—23**

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

Nays—15

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

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

Senator Van Regenmorter offered to amend the title to read as follows:

A bill to amend 1976 PA 453, entitled “An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other

disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts," by amending sections 103, 205a, and 301 (MCL 37.2103, 37.2205a, and 37.2301), section 103 as amended by 1992 PA 124, section 205a as amended by 1982 PA 45, and section 301 as amended by 1992 PA 70.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators V. Smith, Dingell and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4476 and moved that the statements they made during the discussion of the amendment and bill be printed as their reasons for voting "no."

The motion prevailed.

Senator V. Smith's first statement is as follows:

I understand your confusion. Confusion goes with the process where a bill runs through the Legislature within a week's period.

This is an amendment which would take away the retroactivity of this bill. Most bills are prospective in nature. They are prospective in nature for a good reason. That is, if we began to make bills retroactive we would have all kinds of problems. Generally, retroactivity means unconstitutionality, and the bill will not stand the weight of review within the court system of this state or within the federal courts. Because we are trying to be retroactive with them, there is generally a rationale and reason as to why we are trying to be retroactive with them.

On this one there is also a rationale and a reason as to why we are trying to be retroactive. That is because the Michigan Court of Appeals has ruled against the state. The Supreme Court is likely to rule against the state on the issue that is in front of the court on the exact issue that is placed in this bill.

This is the second time that we have seen legislation to reverse, statutorily, what might possibly occur in the Michigan Supreme Court. I think that is a very dangerous precedent. This one is even worse, because it is trying to eliminate a lawsuit that was filed by women prisoners in this state as a result of abuse that they have been facing in the Michigan prison system. Now there are some 31 plaintiffs on a case that is presently in front of the Michigan Supreme Court, that has been decided in the Michigan Court of Appeals. This case is Neal v. Department of Corrections.

So for my women colleagues, I would hope that their ears would really perk up. This is about women not having any sort of protection who are incarcerated in this state. Just because you are a woman and you are incarcerated, does that mean that guards are able to watch you go to the bathroom? Does that mean that guards are able to abuse you sexually? Does that mean that if these types of abuses and occurrences are happening within the corrections system, and you finally get to the point where you are feeling so abused and so emotionally abused about the type of sexual abuse you are facing from male guards in a women's prison system that you finally go into court to seek some alleviation of that type of abuse. Should we now have bills placed in front of us which we want to have retroactive application. Where these women have found some success in the United States Supreme Court, which says that Michigan correctional institutions are public places under the definition contained within these statutes. Because they are public places, they are subject to basic due process and civil rights statutes. Now that is what is in front of the body.

If you would look at the amendment. The amendment is that this amendatory act should not be applied retroactively. If we are placing a proposed amendment in a bill in front of this body to try to make the bill retroactive, there is a reason that we are doing that. What I am explaining, and what the good Majority Floor Leader does not want me to explain, is why we are trying to make this bill retroactive.

The name of this case, of Neal v. Department of Corrections, is contained within this legislation. The reason for the retroactivity of the statute is because they have named the case that they are trying to eliminate by making the statute retroactive. The exact issues that are before the Michigan Court of Appeals, which will more than likely rule against the state of Michigan's Attorney General and the Department of Corrections, are the exact issues that have been changed by the proposed statute that is in front of this body. The court issues that are being debated in the Michigan Supreme Court, that have been ruled on by the Michigan Court of Appeals, directly address the issue of retroactivity that is contained in this statute. With naming the case of Neal v. Department of Corrections in the proposed statute is exactly the issue that this amendment goes to. I challenge the Majority Floor Leader or any member of the Judiciary Committee to argue that this is not what we are talking about.

That is exactly the issue, retroactivity. Mr. President, you would have to concede that if we have a statute which has language in it which allows it to be retroactive—and my amendment goes to striking the language of retroactivity—then we at least have to talk about why this bill has named the specific court case that the retroactivity would alleviate.

Mr. President, you have given me plenty of leeway, and I think I have probably laid out the reasons and rationale as to why I felt that I would put an amendment on this table to eliminate retroactivity. I appreciate the leverage that you

have allowed me in debating this issue. I think I have properly explained it to the body so I really do not have to dwell on it a whole lot more. Just to say that I really think this is the worst thing that we could absolutely do. I would hope that the body would support this amendment. I will step out of my Floor Leader's role and ask any member of this chamber that would like to see justice not denied to support the Smith amendment on this particular bill.

Senator V. Smith's second statement is as follows:

I have a lot of respect for the chairperson of this committee, but I think that he is just using words to hide the true motivations of the majority of the members of the Judiciary Committee in placing this bill before this body. They did not specifically use the language of retroactivity. They used the language of curative. They used the language of curative of the interpretations that were being debated in the case of Neal v. Department of Corrections. The issues that were in front of the Court were interpretations of phrases and words that were in the Elliott-Larsen Civil Rights Act.

I cannot understand how the distinguished chairperson of the Judiciary Committee, in his estimation, would know what was in the minds of the Legislature that passed the Elliott-Larsen Civil Rights Act. The courts made their interpretation. I happen to agree with their interpretation. The chairperson disagrees with their interpretation, yet he calls his language here curative. I call his language here as trying to step out of the determination that the United States Supreme Court has made, that the Michigan Court of Appeals has made, and I would argue that the Michigan Supreme Court will make, on this particular issue, that is in front of them. He is not trying to cure a problem, he is trying to eliminate a problem. I really think that is what is occurring. So, yes, my amendment would thwart him. I will admit that my amendment would thwart him. I also believe that my amendment would allow the Legislature that passed the Elliott-Larsen Civil Rights Act to have the interpretation that the courts have agreed is there.

I want to be very calm myself, but at the same time, I do not want to allow the words that the chairperson of the committee is trying to construe and the interpretations that he is trying to place on my amendment or, indeed, on the issues that are contained in this legislation. This is a very serious piece of legislation.

Since you have allowed me to talk about it, I think it is extraordinary that these bills were introduced into the House of Representative a week ago. They were introduced into the House of Representatives a week ago Wednesday. This is a week later, and we are debating them on the floor of the Senate. These bills have enormous implications. I know when it comes to people being locked up in our prison system that there is not a lot of sentiment in this body for prisoners, but do they lose all rights of a citizen once they are incarcerated? Is there no protection that we would allow for prisoners who are locked up in the Michigan prison system? Is there no degradation that is too low, that we would accept, and not be chagrined at as a Legislature? Is there no atrocity and no action that could take place in the Michigan prison system that would make our hair stand on end and say that this is something which we should not tolerate?

I think the most base element and the most basic human right is some ability to have a privacy in actions, especially for a female prisoner. Now we already allow male prisoners, and that has been a decided issue. That is fine, but there should be some limitation. There should be some element of decency that a woman, even if she is locked up in prison, should expect from the state of Michigan. I would argue to this body that by the passage of my amendment, we would at least provide a small element of respect for women who are locked up in our prison system. It is absolutely atrocious that they cannot even go to the bathroom without having their privacy interfered with. The snickers, the laughs, the pats on the butt, and all the other things that go along with it.

So I would just hope that the members of this body would reach into their heart and look at my amendment and at least allow the court system to play itself out. Allow our courts to make those types of determinations rather than snatching from them the ability for them to make decisions on statutes that have been passed in this body. That is what this is about, and I would really hope that you would support me.

Senator V. Smith's third statement is as follows:

We have heard the chairperson talk about curative. We have heard him talk about this body's ability on legislative intent. I would not argue with him. This body does have that ability. Should we go back and specifically try to put into statute intent language on every prior statute that has ever been passed by the Michigan Legislature? That is what is going on here. That is what occurred here a few weeks ago.

These bills are not merely curative. A curative statute is one that repairs a small defect. This is retroactivity. It is not curative; it is retroactivity. It goes against the basic principles of jurisprudence.

I listened to the silver-tongued nature of the chairperson of this committee. I would hope that at some point the state bar would give him an honorary membership. He surely deserves it. He is as silvered-tongued an orator as any lawyer I have ever encountered. But he confuses the issue. He is an expert at that.

He talked about every conceivable abuse he could think of under the Elliott-Larsen Civil Rights Act and how it might be brought to bear. That is just not the case. We are talking about two to three court cases that have been filed by prisoners in this state under Elliott-Larsen. All of those things and all of those horror stories that the chairman has talked about and just not there. What he is afraid of and what this bill is mostly directed toward is trying to beat the Supreme Court to the issue so that we can try to take it from them.

Even if we do, our act may very well be unconstitutional. That court may find that this bill is unconstitutional, just as I believe the courts will also find other actions that have been taken.

It is just my belief that this is such a serious issue regarding basic human rights of women within our corrections system that we should step-back and allow that process to play itself out. That is what will occur if you allow the Smith amendment to pass.

Senator V. Smith's fourth statement is as follows:

I was aware that the Attorney General was negotiating with my esteemed chairman and other members of the Republican Party over this particular issue. I also was subsequently made aware that she had made the decision upon reaching an agreement, which was past by this body recently in amendatory form, allowing background checks for those who enter into the officer corps as corrections officers. So we at least could get to and eliminate some of the worst offenders in the system. In my estimation, she got a raw deal. I hope the information that is provided in the amendment that she was able to get into place by this body will indeed seek the type of solution and solve the problems that this bill seeks to address.

I heard the distinguished chairman talk about the flood gates that would open if we did not do this. Well, I would say to this body that the Elliott-Larsen Civil Rights Act has been law for over 20 years and where have been the flood gate of cases that he has made reference to? The one case that I am aware of that this legislation is designed to stop has been sustained on a number of the levels in the court system.

I am just chagrined. I have had the wind taken out of my sails with the Attorney General's letter. I see that she did not send it personally. I see she did not want to have her personal fingerprints on this particular issue.

I would still hope that the body will turn this bill down and allow the court process to take its normal course in this particular issue.

Senator Dingell's statement is as follows:

I rise in support of the Virgil Smith amendment and wish to say that the retroactive effect of this bill is the most disturbing part of it. Let me try to qualify why I feel that way. When I first heard civil rights groups complaining about sexual harassment in prisons, well, I probably spent more time in state prisons than any other member of the Legislature. I didn't think there was that much basis for them, but recently I asked for some numbers regarding criminal sexual conduct cases conducted against prison guards. Counting only incidents that occurred from 1993 forward, proven incidents of sexual misconduct are quite a few. There have been 13 convictions of guards for criminal sexual conduct. There are 15 cases pending against guards. There are also a lot of cases where charges have not been filed, but the allegations have been sustained by the Michigan Department of Corrections—19 such cases. In addition, there have been as many as eight in one year that I know of. There was one young lady who was the subject of rape three different times.

There's a problem here, and I find this situation to be highly offensive, especially going back into the past and making it difficult for people to sue on these cases. We heard in committee that, well, the prisoners can sue under federal or Michigan constitutional grounds. It would be tough to sue under the Michigan Constitution. When I looked into the federal suits and what it takes to file there, to my surprise, they have to show physical injury, which may not be present in these types of cases, especially not in simple harassment but also in other types of injuries that persons would sue under—sexual harassment, even criminal sexual conduct.

So I'm willing to consider something like this. If you want to take away the incentive from prisoners for suing by taking away the money damages, maybe I would support that. But this deeply disturbs me, and I think it's a very bad thing.

Senator A. Smith's first statement is as follows:

I rise to support the Virgil Smith amendment. In listening to the chair of the Judiciary Committee and his explanation of "curative" and "retroactivity," as I look at the enacting section 1, what we attempt to do with this amendment is very clear. That is to, in fact, make the application of this amendment retroactive. The enacting section 2 says that very specifically.

What do we do by making it retroactive? We eliminate a right of individuals that, I believe, the Legislature in 1976 fully intended. As I look at the composition of the Michigan Legislature in 1976, it was, indeed, a very progressive body. The very enactment of the Elliot-Larsen Civil Rights Act and later the Persons with Disabilities Civil Rights Act would suggest that they did not specifically exclude prisoners, and therefore, because they specifically spoke to any number of classes of individuals, that opportunity was present. They chose not to go there.

What we are essentially saying with this law is that people in prisons are not persons under the Elliot-Larsen Civil Rights Act. That language is not specifically in the bill but the intent, the result, is.

By making this retroactive, we eliminate a cause of action for individuals in the prison. Do they have recourse in other avenues? They have recourse to federal courts only if there is injury. That's physical injury, not just emotional injury; that's not the result of emotional damage from a rape. This is real bodily injury and something that is physically obvious to individuals who are then prosecuting under the federal statute.

In this particular case before us, the federal statute, as I understand it, has been told, and there is no recourse under the federal law for these particular plaintiffs.

Do they have other recourse? Oh, yes. If you can find a number of attorneys who are willing to take these law suits without compensation, pursue the hundreds of hours it takes to do the depositions, to do the extra labor that is involved in building cases where you have an entity, the Department of Corrections, that offers no help, no assistance, and limited access to the clients. Then I don't think we have real access to the courts. We don't have real access to jurisprudence. I think the effect of this bill is to strip people of any opportunity to go to the courts of the state of Michigan.

I urge your support for the Virgil Smith amendment.

Senator A. Smith's second statement is as follows:

I rise to oppose the bill.

The bill before us would, indeed, eliminate the civil rights of people in the institutions of the state under the service of the Department of Corrections. The questions that I understand the Deputy Attorney General as asked in committee were, "Is the prison system a public service? Is this a public service?" And I believe the answer is "yes"; it is a public service to the people of the state of Michigan. The chairman complained that the only people who testified before the committee, save the Attorney General's office and the Department of Corrections itself, were people from the state bar.

I don't know how many hours of notice the committee meeting had, but it was called for noon, not a regular time for the Standing Committee of Judiciary to meet. People in my district who were interested dropped everything and got postponements of cases in the court to come up to Lansing to have an opportunity to testify, and they are dismissed as members of the bar's Corrections and Prison Division or as advocates for prisoners, not that they have a concern.

Well, other people in the state of Michigan have a concern as well. Some of those people write for the media of the state of Michigan and, to some degree, influence public opinion. We have editorials from *The Detroit Free Press* stating that felons should forfeit some rights, and they do—the right to vote, the right to walk free and breath fresh air, and to a great extent, the right to privacy. But they should not lose the basic right to fair treatment that these acts guarantee.

The chairman complains about frivolous lawsuits, and he listed a number. But I think, if were being honest with the body, he would admit that only a very few lawsuits have been brought under the Elliot-Larson Civil Rights Act. Those lawsuits are brought when there is no recourse left, and the myth that prisoners would have a recourse under other federal provisions, federal court, and other state laws is just that—a myth. They have statutes of limitations, and they have cost for the prisoners. Statutes of limitations are not suspended while the prisoner files a suit and looks for a judgment from the court. So a two-year statute of limitations can expire while the prisoner is pursuing a complaint, and they have no recourse.

This is a very inappropriate and unfair approach by any Legislature. It certainly, in my belief, does not reflect the intention of the Legislature of 1976 that created the Elliot-Larson Civil Rights Act or the later act, the Persons with Disabilities Civil Rights Act.

If you put yourself in the position of individuals whose only recourse is to try to find an attorney who will take the time required to pursue very complex, very difficult to prove cases, spend hundreds of hours deposing, and in the end, win 13 decisions in Michigan courts. If you would relieve them of their civil rights to pursue that, then support this bill. But if you are looking out for the greater interest of the public, and I think there is one thing we all have to remember—90 percent of the people in the prisons of the state of Michigan are coming out, and I don't think we want them to come out with a clear understanding that we have no regard for their civil rights, for their right to an attorney, for their opportunity to appeal, for their opportunity to be heard and protected by the people who run the corrections system in which they find themselves incarcerated, and the people responsible for that system are you and me and every citizen in the state of Michigan. I believe that the citizens of the state of Michigan would find this legislation appalling.

I urge a "no" vote.

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

The motion prevailed.

Senator Van Regenmorter's statement is as follows:

This is really about the possibility of a flurry of litigation from prison, which is something we already experienced. I mentioned earlier that the prisoner lawsuits against the state—that's just against the state—average about \$1,500.00 up to as much as \$2,000.00 per year. Most of them are without merit. Many of them are with the purpose of simply harassing the system or to occupy some time that prisoners have.

During the committee, some issues were raised. There was an issue of some sexual assaults—females by male guards, as I indicated earlier. Even the attorney who represented those females, or at least made the report, said that in each of the three she was reporting, there was a charge and a conviction. So the system is very much working.

But who are the people who testify? Well, the people who testified were prison legal services. Yes, they were lawyers whose job it is to proceed on behalf of prisoners. The State Bar prison section was very present. There was—I don't

know if that still exists—a judge actually had ordered a couple of years ago that a monitor be appointed to go around the prisoner system taking a look at what kinds of things about which prisoners could sue. We also have just a lot of jailhouse lawyers with a lot of time on their hands. Some have become pretty skilled. We kindly furnish them with large law libraries.

We will see a flurry of activity. The Elliot-Larsen Civil Rights Act and the Michigan Persons with Disability Act do not in any way comply with the realities of what happens in prison. Prisons need the ability to restrict movement in excess and put in place security measures and those sort of things. These acts don't apply there at all nor should they apply. It's clear that's what the legislative intent was. The purpose of this bill is to establish legislative intent.

Mr. President, I have a letter from the Attorney General's office. It's from William Richards, who is the Deputy Attorney General. It's a very well-written letter. It applies very directly to this. I would like my colleagues to listen. I'm going to read the letter and ask that the letter be entered as a part of the record. It is from the office of Jennifer Mulhern Granholm, the Attorney General of the state of Michigan, from William J. Richards, a Deputy Attorney General. It's addressed to the Honorable Dan DeGrow, to myself, and to the Honorable John Cherry, Jr.

Senator Van Regenmorter moved that the following written statement be printed in the Journal.

The motion prevailed.

Senator Van Regenmorter's statement is as follows:

I received this letter on December 8, 1999, from Jennifer Mulhern Granholm, Attorney General:

"In our office's role as top law enforcement officer of the state, as protector of the taxpayer and as counsel to the Department of Corrections, we support House Bill Nos. 4475 and 4476.

We do so for two main reasons. First and foremost, the amendments address a problem identified in an opinion issued by this office relative to requesting and maintaining arrest information on Department of Corrections employees. We support the Department of Corrections in its policy decision to maintain arrest and conviction information on its employees who work in the prison system, and these amendments would permit the department to do so.

Second, the civil rights of prisoners are fully addressed by existing federal legislation. The Attorney General strongly favors civil rights and human rights protections for prisoners and all people, but these rights are already protected under federal law. The current system, including recent judicial interpretations of Elliott-Larsen Civil Rights Act, merely harms the taxpayer and does not require a prison system to change its policy or behavior.

Under federal law, remedies are available to change behavior and implement procedures that protect prisoners from constitutional violations—that is the appropriate remedy. In our view, paying large amounts of taxpayer dollars to inmates is an inappropriate and expensive way to make certain our prison systems are humane and just.

Further, if and when prison guards violate the rights of inmates, inmates still have a remedy under traditional state tort law to sue those prison guards for damages. These bills strike the right balance—protecting the taxpayers' wallet while affording inmates full remedies in state or federal court to correct any unconstitutional behavior in the prison systems."

The following bill was read a third time:

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 103 and 301 (MCL 37.1103 and 37.1301), section 103 as amended by 1998 PA 20 and section 301 as amended by 1980 PA 478.

The question being on the passage of the bill,

Senator V. Smith offered the following amendment:

1. Amend page 5, line 12, after "1." by striking out the balance of the enacting section and inserting "This amendatory act shall not be applied retroactively."

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

The question being on the passage of the bill,

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

Roll Call No. 655

Yeas—23

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

McCotter
McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—13

Byrum
Cherry
DeBeaussiaert
Dingell

Hart
Koivisto
Leland

Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn

Excused—0**Not Voting—2**

Emerson

Young

In The Chair: Schwarz

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

On which motion Senator Rogers requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 656**Yeas—24**

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

Koivisto
McCotter
McManus
North
Rogers
Schuette

Schwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—13

Byrum
Cherry
DeBeaussiaert
Dingell

Emerson
Hart
Leland

Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Excused—0**Not Voting—1**

Miller

In The Chair: Schwarz

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

“An act to define the civil rights of persons with disabilities; to prohibit discriminatory practices, policies, and customs in the exercise of those rights; to prescribe penalties and to provide remedies; and to provide for the promulgation of rules.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4592, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 7 (MCL 29.7).

The question being on the passage of the bill,

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

Roll Call No. 657

Yeas—35

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

Nays—0

Excused—0

Not Voting—3

Emmons	Jaye	Murphy
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In The Chair: Schwarz

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

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

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

“An act to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of those buildings and premises for fire safety purposes; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of
Conference Reports

Senator DeGrow submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning
Senate Bill No. 198, entitled

A bill to prohibit governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

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 restrict certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. As used in this act:

(a) "Public employer" means a county, township, village, city, authority, school district, or other political subdivision of this state and includes any entity jointly created by 2 or more public employers.

(b) "School district" means a school district, local act school district, or intermediate school district as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a public school academy established under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

Sec. 2. (1) Except as provided in subsection (2), a public employer shall not require, by collective bargaining agreement or otherwise, that a person reside within a specified geographic area or within a specified distance or travel time from his or her place of employment as a condition of employment or promotion by the public employer.

(2) Subsection (1) does not prohibit a public employer from requiring, by collective bargaining agreement or otherwise, that a person reside within a specified distance from the nearest boundary of the public employer. However, the specified distance shall be 20 miles or another specified distance greater than 20 miles.

(3) A requirement described in subsection (2) does not apply to a person if the person is married and both of the following conditions are met:

(a) The person's spouse is employed by another public employer.

(b) The person's spouse is subject to a condition of employment or promotion that, if not for this section, would require him or her to reside a distance of less than 20 miles from the nearest boundary of the public employer.

(4) Subsection (1) does not apply if the person is a volunteer or paid on-call firefighter, an elected official, or an unpaid appointed official.

Sec. 3. This act applies only to employment contracts entered into, renewed, or renegotiated after the effective date of this act, in accordance with the prohibition against impairment of contracts provided by section 10 of article I of the state constitution of 1963.

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

A bill to restrict certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

Dan L. DeGrow
 Loren Bennett
 Conferees for the Senate

Charles Perricone
 Robert Gosselin
 Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 658

Yeas—27

Bennett
 Bullard

Dunaskiss
 Emerson

Johnson
 Koivisto

Schuetter
 Schwarz

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell

Gast
Goschka
Gougeon
Hoffman
Jaye

McCotter
McManus
Miller
Peters
Rogers

Shugars
Sikkema
Steil
Van Regenmorter

Nays—9

Emmons
Hammerstrom
Leland

Murphy
North

Smith, A.
Smith, V.

Stille
Vaughn

Excused—0**Not Voting—2**

Hart

Young

In The Chair: Schwarz

Senator A. Smith moved that rule 3.505 be suspended to allow her to vote “nay” on the adoption of the first conference report to the following bill:

Senate Bill No. 198

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

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

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

Senator Rogers requested the yeas and nays.

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

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

Roll Call No. 659**Yeas—22**

Bennett
Bullard
Byrum
DeBeaussaert
DeGrow
Dunaskiss

Gast
Goschka
Gougeon
Hoffman
Jaye
Johnson

McCotter
McManus
Miller
Rogers
Schuette

Schwarz
Shugars
Sikkema
Steil
Van Regenmorter

Nays—14

Cherry
Emerson
Emmons
Hammerstrom

Koivisto
Leland
Murphy
North

Peters
Smith, A.
Smith, V.

Stille
Vaughn
Young

Excused—0

Not Voting—2

Dingell

Hart

In The Chair: Schwarz

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

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

House Bill No. 4959, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 371, 372, 374a, 402, 501, 502, 503, 504, 504a, 507, 1311b, 1311d, and 1311g (MCL 380.371, 380.372, 380.374a, 380.402, 380.501, 380.502, 380.503, 380.504, 380.504a, 380.507, 380.1311b, 380.1311d, and 380.1311g), sections 371, 372, and 374a as added and section 402 as amended by 1999 PA 10, sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289, section 504 as amended by 1994 PA 416, and sections 1311b, 1311d, and 1311g as added by 1999 PA 23, and by adding sections 15, 501b, 502a, 503b, 503c, 504c, and 602.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Stille offered the following amendments:

1. Amend page 12, line 23, after "502A," by inserting "AND ONLY UNTIL 2003,".
2. Amend page 12, line 25, after "HOWEVER," by striking out "UNTIL 2003,".
3. Amend page 21, line 1, after "(A)" by inserting "UNTIL 2003,".

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

Senator V. Smith moved that Senator Dingell be excused from the balance of today's session.

The motion prevailed.

Senator Dingell had to leave session due to an illness.

Senator Schwarz offered the following amendments:

1. Amend page 17, line 20, after "the" by striking out "state board" and inserting "SUPERINTENDENT OF PUBLIC INSTRUCTION".
2. Amend page 17, line 23, after the first "the" by striking out "state board" and inserting "SUPERINTENDENT OF PUBLIC INSTRUCTION".
3. Amend page 23, line 9, after the first "the" by striking out "state board" and inserting "SUPERINTENDENT OF PUBLIC INSTRUCTION".

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

Senator Dingell offered the following amendment:

1. Amend page 38, following line 12, by inserting:

"Sec. 1263. (1) The board of a school district shall not build a school upon a site without having prior title in fee to the site, a lease for not less than 99 years, or a lease for not less than 50 years from the United States government, or this state, or a political subdivision of this state.

(2) The board of a school district shall not build a frame school on a site for which it does not have a title in fee or a lease for 50 years without securing the privilege of removing the school.

(3) The board of a school district shall not design or build a school building to be used for instructional or noninstructional school purposes or design and implement the design for a school site unless the design ~~or~~ AND construction is ARE in compliance with Act No. 306 of the Public Acts of 1937, being sections 388.851 to 388.855a of the Michigan Compiled Laws. The superintendent of public instruction has sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes and of site plans for those school buildings 1937 PA 306, MCL 388.851 TO 388.855A, AND WITH THE STATE CONSTRUCTION CODE PROVIDED FOR IN SECTION 4 OF THE STATE CONSTRUCTION CODE ACT OF 1972, 1972 PA 230, MCL 125.1504."

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 660**Yeas—18**

Byrum	Hammerstrom	Leland	Smith, A.
Cherry	Hart	Miller	Smith, V.
DeBeaussaert	Hoffman	Murphy	Vaughn
Emerson	Jaye	Peters	Young
Goschka	Koivisto		

Nays—19

Bennett	Gast	North	Sikkema
Bullard	Gougeon	Rogers	Steil
DeGrow	Johnson	Schuetten	Stille
Dunaskiss	McCotter	Schwarz	Van Regenmorter
Emmons	McManus	Shugars	

Excused—1

Dingell

Not Voting—0

In The Chair: Hoffman

Senator Byrum offered the following amendments:

1. Amend page 17, following line 19, by inserting:

“(5) AN AUTHORIZING BODY’S OVERSIGHT UNDER SUBSECTION (4) SHALL INCLUDE, BUT IS NOT LIMITED TO, SPECIFIC MONITORING OF AND TECHNICAL ASSISTANCE AS NECESSARY IN THE FOLLOWING MATTERS:

(A) OBTAINING REQUIRED CRIMINAL RECORD CHECKS AND OTHER REQUIRED BACKGROUND CHECKS FOR EMPLOYEES.

(B) ENSURING PROPER CREDENTIALS AND CERTIFICATION OF TEACHERS AND OTHER INSTRUCTIONAL EMPLOYEES.

(C) ENSURING THAT SPECIAL EDUCATION SERVICES ARE PROVIDED.

(D) ENSURING THAT INTERNAL CONTROL STRUCTURES ARE IN PLACE.

(E) IDENTIFYING AND AVOIDING POTENTIAL CONFLICTS OF INTEREST AMONG MEMBERS OF A PUBLIC SCHOOL ACADEMY’S BOARD OF DIRECTORS.

(F) TIMELY RECEIPT AND REVIEW OF MINUTES FROM BOARD OF DIRECTORS MEETINGS.

(G) ENSURING COMPLIANCE WITH LAW CONCERNING STUDENT APPLICATION AND ADMISSIONS PROCEDURES.

(H) TIMELY DEVELOPMENT OF REQUIRED POLICIES.

(I) ENSURING COMPLIANCE WITH FINANCIAL AND OTHER REPORTING REQUIREMENTS.

(J) ADOPTION AND IMPLEMENTATION OF PROCUREMENT POLICIES.

(K) TIMELY ACQUISITION AND SUBMISSION OF INSURANCE POLICIES.

(6) AN AUTHORIZING BODY SHALL ADOPT AND PUBLISH POLICIES AND PROCEDURES FOR SUBMISSION OF COMPLAINTS BY PARENTS AND THE GENERAL PUBLIC ALLEGING NONCOMPLIANCE BY A PUBLIC SCHOOL ACADEMY WITH STATUTE, RULE, OR THE CONTRACT AND FOR HEARING THOSE COMPLAINTS. IF AN AUTHORIZING BODY RECEIVES A COMPLAINT ALLEGING THAT A PUBLIC SCHOOL ACADEMY OPERATING UNDER A CONTRACT ISSUED BY THE AUTHORIZING BODY IS NOT COMPLYING WITH STATUTE, RULE, OR A PROVISION OF THE CONTRACT, THE AUTHORIZING BODY SHALL ENSURE THAT THE COMPLAINT IS INVESTIGATED AND HEARD. THE AUTHORIZING BODY SHALL PROVIDE A COPY OF THE COMPLAINT AND OF THE RESULTS OF THE HEARING TO THE STATE BOARD AND THE PUBLIC SCHOOL ACADEMY OVERSIGHT BOARD. A PUBLIC SCHOOL ACADEMY SHALL NOTIFY PARENTS AND MEMBERS OF THE COMMUNITY OF THE OVERSIGHT ROLE OF THE AUTHORIZING BODY AND OF THE OPPORTUNITY AND PROCEDURES FOR FILING A COMPLAINT WITH THE AUTHORIZING BODY.” and renumbering the remaining subsections.

2. Amend page 18, line 2, after “suspension.” by inserting “THE STATE BOARD SHALL UNDERTAKE A REVIEW OF WHETHER OR NOT AN AUTHORIZING BODY IS ENGAGING IN APPROPRIATE CONTINUING OVERSIGHT IF THE STATE BOARD HAS REASON TO BELIEVE THAT 1 OR MORE OF THE FOLLOWING HAS OCCURRED AT A PUBLIC SCHOOL ACADEMY OPERATING UNDER A CONTRACT ISSUED BY THE AUTHORIZING BODY:

(A) FAILURE TO EMPLOY CERTIFICATED TEACHERS AS REQUIRED BY LAW.

(B) FAILURE TO EXPEL PUPILS WHEN EXPULSION IS REQUIRED BY LAW OR UNDER THE PUBLIC SCHOOL ACADEMY’S CODE OF STUDENT CONDUCT OR DISCIPLINE POLICY.

(C) DISCRIMINATION IN ADMISSIONS IN VIOLATION OF SECTION 504.

(D) VIOLATION OF ANY OTHER STATE LAW BY SCHOOL OFFICIALS.”.

3. Amend page 23, line 19, after “accountable.” by inserting “THIS SHALL INCLUDE SPECIFIC MEASURABLE OUTCOMES THAT WILL ALLOW THE AUTHORIZING BODY TO DETERMINE WHETHER THE PUBLIC SCHOOL ACADEMY IS MEETING ITS STATED GOALS, INCLUDING GRADUATION RATES FOR PUBLIC SCHOOL ACADEMIES THAT OFFER HIGH SCHOOL OR VOCATIONAL TRAINING PROGRAMS.”.

4. Amend page 35, following line 2, by inserting:

“SEC. 506A. A PUBLIC SCHOOL ACADEMY SHALL NOT BEGIN PUPIL INSTRUCTION UNTIL ITS AUTHORIZING BODY HAS SPECIFICALLY DETERMINED THAT ALL OF THE FOLLOWING ARE MET:

(A) THE PUBLIC SCHOOL ACADEMY HAS ON FILE DOCUMENTATION DEMONSTRATING THAT EACH TEACHER WHO IS REQUIRED BY LAW TO BE CERTIFICATED HOLDS A VALID TEACHING CERTIFICATE THAT IS APPROPRIATE FOR THE TEACHER’S ASSIGNMENT AND THAT ALL OTHER INSTRUCTIONAL PERSONNEL HOLD VALID CREDENTIALS AS REQUIRED BY LAW.

(B) ALL NECESSARY EDUCATIONAL EQUIPMENT, TEXTBOOKS, AND INSTRUCTIONAL SUPPLIES ARE ON HAND AND READY FOR USE BY PUPILS.

(C) THE CODE OF STUDENT CONDUCT REQUIRED UNDER SECTION 1312(8) AND ANY OTHER DISCIPLINARY OR STUDENT CONDUCT POLICIES REQUIRED BY LAW ARE PREPARED AND READY FOR DISTRIBUTION.

SEC. 506B. UPON REASONABLE REQUEST, AND SUBJECT TO APPLICABLE PRIVACY LAW, A PUBLIC SCHOOL ACADEMY, AN AUTHORIZING BODY, THE PUBLIC SCHOOL ACADEMY OVERSIGHT BOARD, AND THE CHARTER SCHOOL OFFICE OF THE DEPARTMENT SHALL MAKE AVAILABLE TO THE AUDITOR GENERAL ALL DOCUMENTS IN ITS POSSESSION CONCERNING THE FORMATION, OPERATION, OR OVERSIGHT OF A PUBLIC SCHOOL ACADEMY.”.

The question being on the adoption of the amendments,

Senator Byrum requested the yeas and nays.

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

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

Roll Call No. 661

Yeas—14

Byrum
Cherry
DeBeaussaert
Emerson

Goschka
Hart
Leland
Miller

Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—22

Bennett
Bullard

Gougeon
Hammerstrom

McManus
North

Shugars
Sikkema

DeGrow
Dunaskiss
Emmons
Gast

Hoffman
Jaye
Johnson
McCotter

Rogers
Schuette
Schwarz

Steil
Stille
Van Regenmorter

Excused—1

Dingell

Not Voting—1

Koivisto

In The Chair: Hoffman

Senator Peters offered the following amendments:

1. Amend page 33, line 15, after “504a.” by inserting “(1)”.
2. Amend page 34, line 2, after “(d)” by striking out “To” and inserting “SUBJECT TO SUBSECTION (2), TO”.
3. Amend page 34, following line 15, by inserting:

“(2) IF A PUBLIC SCHOOL ACADEMY ENTERS INTO AN AGREEMENT WITH A FOR-PROFIT BUSINESS ENTITY FOR MANAGEMENT SERVICES, THE PUBLIC SCHOOL ACADEMY SHALL ANNUALLY SUBMIT A DISCLOSURE REPORT TO THE DEPARTMENT IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT. THIS DISCLOSURE REPORT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

(A) THE ANNUAL AMOUNT PAID BY THE PUBLIC SCHOOL ACADEMY TO THE MANAGEMENT COMPANY FOR THE MANAGEMENT SERVICES.

(B) THE AMOUNT OF PROFIT THE MANAGEMENT COMPANY MAKES OR EXPECTS TO MAKE ANNUALLY FROM THE AGREEMENT.

(C) THE NAMES AND ADDRESSES OF THE PRINCIPAL OWNERS AND OFFICERS OF THE MANAGEMENT COMPANY.

(D) ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT CONCERNING THE AGREEMENT OR THE MANAGEMENT COMPANY.”.

4. Amend page 49, following line 14, by inserting:

“Sec. 1311h. (1) In addition to other powers set forth in sections 1311b to 1311l, a strict discipline academy may take action to carry out the purposes for which it was incorporated under sections 1311b to 1311l, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) To acquire, hold, and own in its own name real and personal property, or interests in real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the strict discipline academy require.

(c) To receive and disburse funds for lawful purposes.

(d) ~~To~~ SUBJECT TO SUBSECTION (2), TO enter into binding legal agreements with persons or entities as necessary for the operation, management, and maintenance of the strict discipline academy.

(e) To incur temporary debt in accordance with section 1225.

(f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the strict discipline academy in the furtherance of its public purposes.

(2) IF A STRICT DISCIPLINE ACADEMY ENTERS INTO AN AGREEMENT WITH A FOR-PROFIT BUSINESS ENTITY FOR MANAGEMENT SERVICES, THE STRICT DISCIPLINE ACADEMY SHALL ANNUALLY SUBMIT A DISCLOSURE REPORT TO THE DEPARTMENT IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT. THIS DISCLOSURE REPORT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

(A) THE ANNUAL AMOUNT PAID BY THE STRICT DISCIPLINE ACADEMY TO THE MANAGEMENT COMPANY FOR THE MANAGEMENT SERVICES.

(B) THE AMOUNT OF PROFIT THE MANAGEMENT COMPANY MAKES OR EXPECTS TO MAKE ANNUALLY FROM THE AGREEMENT.

(C) THE NAMES AND ADDRESSES OF THE PRINCIPAL OWNERS AND OFFICERS OF THE MANAGEMENT COMPANY.

(D) ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT CONCERNING THE AGREEMENT OR THE MANAGEMENT COMPANY.”.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 662

Yeas—15

Byrum
Cherry
DeBeaussaert
Emerson

Goschka
Hart
Koivisto
Leland

Miller
Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Gougeon
Hammerstrom
Hoffman
Jaye
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Dingell

Not Voting—0

In The Chair: Hoffman

Senator Byrum offered the following amendments:

1. Amend page 11, line 23, after “ACADEMIES” by striking out “OTHER THAN TRADE ACADEMIES”.
2. Amend page 12, line 6, after “ACADEMIES” by striking out “OTHER THAN TRADE ACADEMIES”.
3. Amend page 12, line 16, after “OPERATION.” by striking out the balance of the subdivision.

The question being on the adoption of the amendments,

Senator Byrum requested the yeas and nays.

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

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

Roll Call No. 663

Yeas—14

Byrum
Cherry

Hart
Koivisto

Murphy
Peters

Smith, V.
Vaughn

DeBeaussiaert
Emerson

Leland
Miller

Smith, A.

Young

Nays—23

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

McCotter
McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Dingell

Not Voting—0

In The Chair: Hoffman

Protest

Senator Rogers, under his constitutional right of protest (Art. 4, Sec. 18), protested against the amendments offered by Senator Byrum to House Bill No. 4959 and moved that the statement he made during the discussion of the amendments be printed as his reasons for voting "no."

The motion prevailed.

Senator Rogers' statement is as follows:

Mr. President, this astounds me that we would want to do this in any way, shape, or form. I happened to have been a part of a vocational training school down in Howell that gears to high-tech manufacturing. That school has really been a life-changing event for a whole group of students. Literally, we had kids who were dropping out who now have turned their lives around and have great jobs. Some have even gone from dropping out of high school to getting a college education right here at Michigan State University in their engineering department.

For us to not stand up for those kids just flabbergasts me. Why we would want to take away this opportunity is astounding. I understand it. I do understand it, Mr. President, because I believe that my colleagues on the other side of the aisle really don't believe in the men and women who are teaching in our public schools. Here's the real difference: The people on this side of the aisle, the people who are standing up for change and opportunity, do.

I came from a family where my father was a public school teacher. I believe in the work he did. He was a caring, committed, and dedicated man who gave every day to try to see that light come on in kids. I believe that charter schools are just another way that we can give opportunity to a whole set of kids who the status quo believers are just letting fall off the face of the earth. For us to say that we're not going to give that kind of vocational emphasis training in a separate way—these schools are extremely expensive to operate. They're costly and the curriculum is difficult, working out partnerships with companies so that these kids get opportunities to work on computer milling machines and see what calculus and algebra really mean in a working fashion is quite an effort. Believe me, people who are into that are not making any money. Trust me on that one. To say that we're going to take away that opportunity is a slap in the face of everybody who is trying to better their lives and every parent who has made a good decision to give their kids, in some cases, a second and last chance at getting an education and having the opportunity to earn a great amount of money for their families.

Just real quickly, Mr. President, we ought to be very proud of those who have built this state, who are the engine behind this revving economy, and who are making a difference in all our lives in this great state of Michigan. The average skilled trade will earn about \$816 a week. The average master's degree will earn between \$700 and \$900 a week. We ought to be standing up from the churches, in this hallow chamber, in the coffee shops, and in the squares

of every corner of every small town in this state and sing the praises of those people who have the courage, strength, and intelligence to become skilled trades men and women.

This seeks to dismantle all of that. Shame on them for being afraid that charter schools might partake one or two kids and give them a second chance because they're worried about \$5,600. That's wrong, Mr. President. This amendment is wrong, and every time they put up a barrier for these kids to get an opportunity and a second chance, that's wrong. Have more faith in your public schools. Stand up for charter schools. Let's get away from the status quo and stand up for kids and opportunity. Let's reject this amendment.

The President, Lieutenant Governor Posthumus, resumed the Chair.

Senators Sikkema and Stille offered the following amendments:

1. Amend page 12, line 3, after "2000" by striking out "AND UNTIL 2004".
2. Amend page 12, line 5, after "YEAR" by inserting "UNTIL 2004, AND SHALL REMAIN AT THAT LEVEL THEREAFTER".

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

The question being on the passage of the bill,

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

Roll Call No. 664

Yeas—22

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

Nays—15

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

Excused—1

Dingell

Not Voting—0

In The Chair: President

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

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

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

"An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and

to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Protests

Senators Cherry and Shugars, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4959.

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

The motion prevailed.

Senator Cherry’s statement is as follows:

First of all, I agree with the Senator from the 33rd District. Al Gore is a great guy. On the bill, I rise in opposition. I have not been over these years one who has been a knee-jerk opponent to charter schools. In fact, I can recall back in December of 1993, with Senator Emmons, Senator DeGrow, Senator Arthurhultz, and several others, where we negotiated out the original charter language. At that time, obviously, it was a much more experimental concept, and one of the reasons for caps is it was experimental. Ultimately, the hope was it would bear positive fruit, and it would be a concept that could expand.

In my experience, in my county there has not been a charter school that has not mired itself in controversy, either in how they have conducted their financial affairs, how they’ve conducted their testing, or how they conduct their operations and their financial viability. Each one has been mired in some sort of controversy. The unfortunate aspect of that is the authorizing agency was not devoting the type of in-service oversight that could have made those institutions successful. In fact, perhaps that might have been because the institution that chartered those were overloaded with charters they had issued. We clearly were paying that institution via the foundation allowance those charters received, but it was clear that these experiments had not yet succeeded. I don’t think the situation was such to say they failed, but to say they have been a great success is clearly not the case at this point in time.

In that context, these institutions that are chartering these public academies, if under the present circumstances are unable to provide adequate oversight, why on earth would we further burden them with additional chartering authority? That is what this bill does. It is going to grant those same institutions that we have not done an adequate job providing oversight or the opportunity to charter additional schools. I would think that would make it more complex—the ability of those institutions to conduct successful oversight.

My guess is that what is really driving this wagon are issues other than charters. There is an impending voucher proposal campaign. Perhaps some of the politics of that is impacted by whether we pass a charter bill or additional caps. One thing I’ve begun to see with these charter expansions is a new class of service provider entering the mix—the developer, people who traditionally develop commercial operations are now building and running charter schools. In fact, some of them, interestingly enough, are designing these charter schools, so that if it doesn’t work, the building can be converted into a strip mall. These people know how to do it. There are a lot of them right now waiting for additional opportunity, and we’ve hit the university maximum. They can’t proceed to get new investment opportunities unless we expand the charter cap.

Well, it seems to me what we are doing is expanding the charter cap for all of the wrong reasons, and the very important reason that says we ought to move slowly, is being ignored. That is, we want charter schools to be quality operations, and for that to happen, there must be adequate oversight. For that to happen, the institution that charters these public academies must be paying attention to what is going on. They are so overwhelmed that they are not doing their job. That is the issue we really should be focusing in on. That is the issue we ought to be dealing with, and instead, we are talking about expanding these caps and allowing more schools. I am fearful what will happen when we allow more schools is we’re going to mire more educational institutions into this controversy that’s occurring with a number of the charters now.

I will say this about the bill: I think there are some good points to it. One of the things that strikes me as a sound piece is the movement here to require that some of these charters be K-12 institutions. To date, every charter is simply an elementary charter. Elementary charters are the cheapest educational institutions to run. The cost of K-12 education is centered in the high school and middle school. That is why you only see charter schools only offering K-6 services. But with this bill, the one value is that it would require a number that needs to be K-12. All in all, when you begin to balance the bill in its entirety, it seems to me this emphasis on cap expansion is going to be more detrimental with the charter movement in the long run than simply focusing in on making sure there is adequate oversight. The institutions are responsible not only to their students, but to their parents and to their chartering authority. I urge a “no” vote.

Senator Shugars' statement is as follows:

I voted "no" on this bill even though I support the concept of charter schools. The difficulty in my district is that a charter school was located within four elementary schools within one mile. Another charter school was trying to get granted another charter within that mile but was denied because the college or university granting them said they didn't want any competition between charter schools. I find it very ironic that charter schools are to create competition in public schools and then deny access within that mile. So they denied my district to have another charter school in that particular situation.

Though this bill increases the cap for charter schools, I find it interesting that the philosophy of universities that are granting these charter schools is granting a franchise, rather than improving access for the children to have charter schools. Therefore, I voted "no."

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 663, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 1 (MCL 423.201), as amended by 1996 PA 543.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,
Senators Bennett and Stille offered the following amendments to the substitute:

1. Amend page 2, line 17, after "TO" by striking out "EACH OF".
2. Amend page 2, line 25, by striking out all of subparagraph (ii) and inserting:

"(ii) A PUBLIC SCHOOL ADMINISTRATOR EMPLOYED BY A SCHOOL DISTRICT THAT IS A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, IS NOT A PUBLIC EMPLOYEE FOR THE PURPOSES OF THIS ACT. THIS EXCEPTION DOES NOT PROHIBIT THE CHIEF EXECUTIVE OFFICER OR BOARD OF A SCHOOL DISTRICT OF THE FIRST CLASS OR ITS DESIGNEE FROM HAVING INFORMAL MEETINGS WITH PUBLIC SCHOOL ADMINISTRATORS TO DISCUSS WAGES AND WORKING CONDITIONS.".

The amendments to the substitute were adopted.

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

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

Roll Call No. 665

Yeas—22

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

Nays—15

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

Excused—1

Dingell

Not Voting—0

In The Chair: President

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

Protest

Senator V. Smith, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 663 and moved that the statement he made during the discussion of the amendments be printed as his reasons for voting “no.”

The motion prevailed.

Senator V. Smith’s statement is as follows:

I was hoping the majority would take the opposite tack and go back to the original Senate-passed bill, which would have employed this language across the state and affected all school districts. That does not seem to be the case. I thought by singling out just the city of Detroit and not trying to apply this across-the-board created a problem. I recognize with the inclusion of the other school districts that the House did created a problem. It put this bill in the situation of possibly being struck down because it singled out school districts outside of what has been singled out as the only first-class school district in this state.

I was hoping we would have gone back to the original Senate approach. That does not seem to be how we have decided to approach this issue. Now this issue has been narrowed only to the city of Detroit. I think if this is good public policy, it should be good public policy across the state. Therefore, I think this amendment detracts from what this bill was originally set out to accomplish.

Recess

Senator Rogers moved that the Senate recess until 8:00 p.m.

The motion prevailed, the time being 4:15 p.m.

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

Senate Bill No. 605, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” by amending sections 701, 702, 705, 706, and 711 (MCL 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), sections 701 and 702 as amended by 1998 PA 66 and sections 705, 706, and 711 as added by 1996 PA 523.

The House of Representatives has appointed Reps. Richner, Shulman and Baird as conferees to join with Senators Van Regenmorter, Emmons and Emerson.

The bill was referred to the Conference Committee.

By unanimous consent the Senate returned to the order of

Conference Reports

Senator Van Regenmorter submitted the following:

FIRST CONFERENCE REPORT

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

Senate Bill No. 605, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” by amending sections 104, 108, 202, 306, 401a, 504, 506, 508, 701, 705, 706, 711, 713, 714, 715, and 716 (MCL 38.2104, 38.2108, 38.2202, 38.2306, 38.2401a, 38.2504, 38.2506, 38.2508, 38.2651, 38.2655, 38.2656, 38.2661, 38.2663, 38.2664, 38.2665, and 38.2666), section 104 as amended by 1995 PA 193, sections 401a, 705, 706, 711, 713, and 714 as added by 1996 PA 523, and sections 701, 715, and 716 as amended by 1998 PA 66, and by adding sections 214a, 504a, 701a, 701b, and 702a; and to repeal acts and parts of acts.

Recommends:

First: That the House recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, and 8, which read as follows:

1. Amend page 18, line 8, after "THROUGH" by striking out "JUNE 30" and inserting "DECEMBER 31".
2. Amend page 18, line 27, by striking out "JULY" and inserting "JANUARY".
3. Amend page 19, line 2, after "OF" by striking out "JULY" and inserting "JANUARY".
4. Amend page 19, line 4, after "FROM" by striking out "JULY" and inserting "JANUARY".
5. Amend page 34, line 16, by striking out all of subsection (7).
6. Amend page 35, line 18, after "1998" by inserting "OR DECEMBER 31, 1998, AS SPECIFIED IN THE WRITTEN ELECTION".
7. Amend page 35, line 20, after "1998" by inserting "OR JANUARY 1, 1999, AS APPROPRIATE PURSUANT TO THE DATE SPECIFIED BY THE MEMBER UNDER SUBDIVISION (A)".
8. Amend page 35, line 24, after "ON" by striking out "JUNE 30, 1998" and inserting "THE DATE SPECIFIED BY THE MEMBER UNDER SUBDIVISION (A)".

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

A bill to amend 1992 PA 234, entitled "An act to establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state departments and certain state and local officials and employees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," by amending sections 104, 108, 202, 306, 401a, 504, 506, 508, 701, 705, 706, 711, 713, 714, 715, and 716 (MCL 38.2104, 38.2108, 38.2202, 38.2306, 38.2401a, 38.2504, 38.2506, 38.2508, 38.2651, 38.2655, 38.2656, 38.2661, 38.2663, 38.2664, 38.2665, and 38.2666), section 104 as amended by 1995 PA 193, sections 401a, 705, 706, 711, 713, and 714 as added by 1996 PA 523, and sections 701, 715, and 716 as amended by 1998 PA 66, and by adding sections 214a, 504a, 701a, 701b, and 702a; and to repeal acts and parts of acts.

William Van Regenmorter
Joanne G. Emmons
Conferees for the Senate

Andrew Richner
Marc Shulman
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 666

Yeas—23

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

Nays—13

Cherry	Hart	Miller	Smith, A.
DeBeaussiaert	Jaye	Murphy	Smith, V.
Emerson	Koivisto	Peters	Young
Gougeon			

Excused—1

Dingell

Not Voting—1

Hoffman

In The Chair: Schwarz

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

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 8:13 p.m.

8:20 p.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on their immediate passage:

House Bill No. 4305

House Bill No. 4297

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4305, entitled

A bill to make, supplement, and adjust appropriations for the department of environmental quality for the fiscal year ending September 30, 2000 and other fiscal periods; to prescribe the powers and duties of certain state agencies and officials; and to provide for the expenditure of the appropriations.

The above bill was read a third time.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

Senator Shugars offered the following amendments to the substitute:

1. Amend page 1, line 3, after "for" by inserting "the department of community health,".
2. Amend page 2, following line 12, by inserting:

"Sec. 102. DEPARTMENT OF COMMUNITY HEALTH

(1) APPROPRIATION SUMMARY:

Full-time equated classified positions.....	0.0
GROSS APPROPRIATION.....	\$ 5,000,000
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	0
ADJUSTED GROSS APPROPRIATION	\$ 5,000,000

Federal revenues:	
Total federal revenues:	0
Special revenue funds:	
Total local revenues.....	0
Total private revenues.....	0
Total other state restricted revenues	5,000,000
State general fund/general purpose.....	\$ 0
(2) LOCAL HEALTH ADMINISTRATION AND GRANTS	
Lead abatement program	\$ 5,000,000
GROSS APPROPRIATION.....	\$ 5,000,000
Appropriated from:	
Clean Michigan initiative fund—lead abatement	5,000,000
State general fund/general purpose.....	\$ 0
and adjusting the subtotals, totals, and section 201 accordingly, and renumbering the remaining sections in part 1.	
The amendments to the substitute were adopted.	

Senator Bennett offered the following amendment to the substitute:

1. Amend page 13, line 1, by striking out all of section 401 and inserting:

“Sec. 401. The department shall expend not less than \$146,000.00 for contracts and grants to local health departments or other non-profit agencies to monitor critical bathing beaches including, but not limited to, those located in state parks and state recreation areas. The department shall begin development of a centralized state wide database to track bathing beach monitoring and results that will be made available electronically to the public. The department shall implement this section in accordance with the department’s document entitled “A strategic environmental quality monitoring program for Michigan’s surface waters”, dated January 1997, which is the first priority for the expenditure of the clean water fund as specified under section 8807 of 1998 PA 287.”.

The amendment to the substitute was adopted.

Senators Young, Johnson and McManus offered the following amendments to the substitute:

1. Amend page 1, line 4, after “of” by striking out “education” and inserting “management and budget”.

2. Amend page 6, line 5, by striking out “DEPARTMENT OF EDUCATION” and inserting “DEPARTMENT OF MANAGEMENT AND BUDGET”.

3. Amend page 13, line 16, by striking out “DEPARTMENT OF EDUCATION” and inserting “DEPARTMENT OF MANAGEMENT AND BUDGET”.

4. Amend page 13, line 20, after “of” by striking out “education” and inserting “management and budget”.

The amendments to the substitute were adopted.

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

The question being on the passage of the bill,

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

Roll Call No. 667

Yeas—36

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

Nays—0

Excused—2

Dingell

Hoffman

Not Voting—0

In The Chair: Schwarz

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

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

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

A bill to make, supplement, and adjust appropriations for the departments of community health, environmental quality, and management and budget for the fiscal year ending September 30, 2000 and other fiscal periods; to prescribe the powers and duties of certain state agencies and officials; and to provide for the expenditure of the appropriations.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The Associate President pro tempore, Senator Vaughn, assumed the Chair.

The following bill was read a third time:

House Bill No. 4297, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2000 and September 30, 2001; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain as amended December 2, 1999 For Fiscal Year Ending September 30, 2000 state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

Senator Rogers offered the following amendment to the substitute:

1. Amend page 21, following line 19, by inserting:

“Owosso - Owosso community airport”.

The amendment to the substitute was adopted.

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

Senator McManus offered the following amendments to the substitute:

1. Amend page 3, line 18, by striking out “2,000,000” and inserting “340,000”.

2. Amend page 4, line 7, by striking out “17,237,100” and inserting “15,577,100” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

Senator A. Smith offered the following amendment to the substitute:

1. Amend page 41, following line 24, by striking out all of section 413.

The amendment to the substitute was not adopted.

Senators V. Smith, DeBeaussaert and Miller offered the following amendment to the substitute:

1. Amend page 65, following line 5, by inserting:

“Sec. 1218. The department of treasury shall reimburse counties, cities, townships, villages, community colleges, and school districts all revenue lost as a result of revisions to the personal property tax depreciation tables.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 668**Yeas—16**

Byrum
Cherry

Goschka
Hart

Leland
Miller

Smith, A.
Smith, V.

DeBeausaert
Emerson

Jaye
Koivisto

Murphy
Peters

Vaughn
Young

Nays—20

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Hammerstrom
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—2

Dingell

Hoffman

Not Voting—0

In The Chair: Schwarz

Senator Jaye offered the following amendment to the substitute:

1. Amend page 2, line 1, by striking out the balance of the bill and inserting:

“Sec. 101. There is appropriated the sum necessary to repay all state debt, including, but not limited to, bond debt. The state treasurer shall determine the sum necessary to effectuate this act and shall cause the repayment required under this section.”.

The question being on the adoption of the amendment,

Senator Jaye requested the yeas and nays.

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

The amendment to the substitute was not adopted.

Senator Jaye offered the following amendment to the substitute:

1. Amend page 2, line 1, by striking out the balance of the bill and inserting:

“Sec. 101. There is appropriated the sum necessary to repair the roads and bridges of this state. The state treasurer shall determine the sum necessary to effectuate this act, and the state transportation department shall cause to be made the repairs required under this section.”.

The amendment to the substitute was not adopted.

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

The question being on the passage of the bill,

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

Roll Call No. 669

Yeas—33

Bennett
Bullard
Byrum
Cherry
DeBeausaert
DeGrow
Dunaskiss
Emerson
Gast

Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland
McCotter

McManus
Miller
Murphy
North
Rogers
Schuette
Schwarz
Shugars

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

Nays—3

Emmons

Jaye

Peters

Excused—2

Dingell

Hoffman

Not Voting—0

In The Chair: Schwarz

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

Protests

Senators V. Smith and Jaye, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4297 and moved that the statements they made during the discussion of the amendments and bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator V. Smith’s statement is as follows:

I am going to support this bill. In a way I am glad to see the dollars that we are putting into mental health within the Department of Corrections.

We do have a large number of people who have been pushed out of our mental health facilities, and because of such, are now within our correctional system. We have heard horror story after horror story, where we may have been able to have avoided those people being in the correctional system if we had just spent the \$95 million we are about to spend in this bill in the mental health budget, and continue to try to spend those dollars and keep those people out of the prison system. I know that is the case. I have seen that with some of my own constituents. I have seen that even recently with a constituent problem that was laid on my table.

I just think that it is something that we probably should have addressed. It will be addressed in this bill. It is just that the tragedy is that we did not put this money on the private side or in the mental health budget to deal with this particular problem. Now we have to spend it within the Department of Corrections.

Senator Jaye’s first statement is as follows:

Mr. President and Senate colleagues, this capital outlay supplemental budget bill is going to increase state spending by \$2.4 million, and the state debt will increase by \$93.4 million. The state of Michigan debt has almost doubled from approximately \$7.8 billion in 1990 to almost \$15 billion in 1998—October 1, 1998. And we are certainly going to go more than double if we pass this bill. Our rainy day fund that so many people crow about here in the state of Michigan is \$1.2 billion, and that’s dwarfed by the long-term debt of \$15 billion. The annual payments in our General Fund for debt cost the General Fund \$297,712,600 in 1998 alone. That annual interest payment is going to balloon some more. The voters in the state of Michigan have only approved approximately 5 percent of the state’s bonded indebtedness. I voted for very few budgets, but I did vote for the last budget, House Bill No. 4305, which was the DNR budget that spent only voter-approved bond money for environmental projects. But this debt program and 95 percent of the other debt programs were never approved by the voters.

You know, this isn’t our money? This is the taxpayers’ money. I know it’s late, but during good economic times, the fiscally prudent, conservative, and responsible action would be for the Legislature to pay down our debt, not purchase more items on credit. With most families, including our own, whenever we experience a financial windfall with either a pay increase or some other windfall, we pay down our debt. We pay down the credit cards, and we pay down a furniture debt, college debt, car debt, and personal loans.

When we get extra money in Lansing, it seems we’re rushing to spend the extra money on new programs rather than to pay our current debt obligations. What we are doing today is we’re shifting our present responsibility, today’s

expenses and our wish list, on the backs of our children. I would recommend we adopt this amendment, which would stop mortgaging our children's future by spending this \$9.3 million capital outlay budget on debt retirement rather than a 1999 Christmas tree legislation loaded up, as we heard earlier, by last minute additions from the executive branch. What are we getting for this capital outlay budget? We are spending \$56,884,000 for 1,760 felons. That's \$32,320 per prisoner, but that understates the cost because when we're building these prisons, we are going to have to pay to operate them, and it's going to cost another \$30,000 a year in order to operate these prisons.

So if you vote "yes" today on this budget, you are committing the taxpayers to spend \$109 million for prison operations—\$109 million. My amendment says let's draw the line in the sand today. We should stop the massive borrowing and spending binge at the expense of our children. This amendment simply says let's spend the money to pay down the current debt, not on new programs.

Senator Jaye's second statement is as follows:

Mr. President and Senate colleagues, the second amendment says let's spend the \$2.4 million on bridge and road repairs. To give you an idea of how much road repairs \$2.4 million will buy, that's over 612 miles of putting a three-inch base on a road. Six hundred twelve miles of our highways can be repaved or some combination of bridge repair and roads. Instead of spending the money on prisons, which are going to require, as I had mentioned, another \$52 million annual fund appropriation, why don't we invest the money in asphalt, in concrete, in economic growth, invest it in infrastructure, and invest it where people who are law-abiding get a value from it. This amendment truly is a capital investment, of \$2.4 million for roads and bridge repairs. These road and bridge repairs would give an immediate benefit, long-time benefit not only to the citizens, but to the businesses and the tourists in state of Michigan. I request your support of the amendment to transfer this money away from these prisons and into road and bridge repairs.

Senators Goschka and A. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Goschka's statement is as follows:

Members of the Senate and staff, I would like to—actually with great regret—bring to your attention that my chief of staff has received an extremely good opportunity to work in Michigan for the George W. Bush campaign. Because of that, at the end of this year, he is leaving me. I want you to know that Peter Simmons has been a very dear friend of mine. He's been my chief of staff; he's been my right-hand man. He has done everything that has ever been asked of him in my office as State Senator for Saginaw and Gratiot Counties.

He grew up in New Hampshire and learned politics fairly early. His father was the chief of staff for Congressman Chuck Douglas. Peter Simmons has politics in his blood. He's very fortunate. He's told me many times how great it is to have Senator Alma Wheeler Smith as his State Senator, whom he has great respect for. As you may know, he lives in the Ann Arbor area and married SueZahn Belle Lyons Simmons. They were married on August 7.

Peter Simmons is one those individuals who when you meet him, you like him. He's a hard worker. He's a great networker. He's done wonderful work for me. I know that his mom and dad from New Hampshire, Peter and Maryann Simmons, are very proud of the work that he's done for me and the great name that he's demonstrated for the Simmons name not only in New Hampshire, but here in the state of Michigan. I suspect that anything that Peter Simmons does is going to have a touch of gold.

I will miss my dear friend, Peter Simmons. I would ask the entire Senate to give this young man—a very hard worker and a very dear friend—a very warm applause that he deserves.

Senator A. Smith's statement is as follows:

I would like to say a few things about Peter Simmons—and all of them nice. It has been my delight to work with the Goschka team and to have met in December of last year right after the election both Mike Goschka and Peter Simmons. You may be losing a staff member, but I'm hoping I keep a constituent.

Peter, I do wish you good luck to a degree in your pursuit. I'm certain that is probably a sentiment from the Senator from the 24th District as well. We wish you limited success, but I will miss you. You have been a wonderful part of the Goschka office, and I know that Mike is going to have trouble finding somebody to fill your shoes.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 315, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as added by 1988 PA 251.

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

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

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

House Bill No. 4618, entitled

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 2441 (MCL 600.2441).

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

1. Amend Senate Amendment No. 1, page 2, line 5, after "inserting" by striking out "\$100.00" and inserting "\$150.00".

2. Amend Senate Amendment No. 2, page 2, line 10, after "inserting" by striking out "\$50.00" and inserting "\$75.00".

3. Amend Senate Amendment No. 3, page 2, line 12, after "April 1," by striking out "2001" and inserting "2000".

The House of Representatives has concurred in the Senate amendments as amended and agreed to the full title.

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

Senate Bill No. 523, entitled

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

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

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

A bill to authorize the department of natural resources to convey certain state owned property in Otsego county; to authorize the state administrative board to convey certain state owned property in Wayne county; to prescribe conditions for the conveyances; to provide for disposition of the revenue from the conveyances; and to create a fund.

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

Senate Bill No. 596, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," by amending section 8 (MCL 490.8), as amended by 1992 PA 246.

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

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

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

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

Senate Bill No. 246, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 904.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 663, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 1 (MCL 423.201), as amended by 1996 PA 543.

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

1. Amend Senate Amendment No. 2, page 2, line 25, after ““(ii)” by striking out “A PUBLIC SCHOOL ADMINISTRATOR EMPLOYED BY A SCHOOL DISTRICT THAT IS A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, IS NOT A PUBLIC EMPLOYEE FOR THE PURPOSES OF THIS ACT.” and inserting “IF, WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH, A PUBLIC SCHOOL EMPLOYER THAT IS THE CHIEF EXECUTIVE OFFICER SERVING IN A SCHOOL DISTRICT OF THE FIRST CLASS UNDER PART 5A OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.371 TO 380.376, ISSUES AN ORDER DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE SCHOOL DISTRICT, THEN A PUBLIC SCHOOL ADMINISTRATOR EMPLOYED BY A SCHOOL DISTRICT THAT IS A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, IS NOT A PUBLIC EMPLOYEE FOR PURPOSES OF THIS ACT. THE EXCEPTION UNDER THIS SUBPARAGRAPH APPLIES TO PUBLIC SCHOOL ADMINISTRATORS EMPLOYED BY THAT SCHOOL DISTRICT AFTER THE DATE OF THE ORDER DESCRIBED IN THIS SUBPARAGRAPH WHETHER OR NOT THE CHIEF EXECUTIVE OFFICER REMAINS IN PLACE IN THE SCHOOL DISTRICT.”.

The House of Representatives has concurred in the Senate amendments as amended.

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 670

Yeas—21

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

Nays—14

Byrum	Goschka	Murphy	Smith, V.
Cherry	Hart	Peters	Vaughn
DeBeaussaert	Leland	Smith, A.	Young
Emerson	Miller		

Excused—2

Dingell	Hoffman
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Not Voting—1

Koivisto

In The Chair: Schwarz

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

Senate Bill No. 404, entitled

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

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Rogers moved that the rule be suspended.

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

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

Senator Shugars offered the following amendment to the substitute:

1. Amend page 46, line 11, by striking out all of section 20965 and inserting:

"Sec. 20965. (1) Unless an act or omission is the result of gross negligence or willful misconduct, the acts or omissions of a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, ~~or~~ medical director of a medical control authority or his or her designee, OR AN INDIVIDUAL ACTING AS A CLINICAL PRECEPTOR OF A DEPARTMENT-APPROVED EDUCATION PROGRAM SPONSOR while providing services to a patient outside a hospital, ~~or~~ in a hospital before transferring patient care to hospital personnel, OR IN A CLINICAL SETTING that are consistent with the individual's licensure or additional training required by the ~~local~~ medical control authority INCLUDING, BUT NOT LIMITED TO, SERVICES DESCRIBED IN SUBSECTION (2), OR CONSISTENT WITH AN APPROVED PROCEDURE FOR THAT PARTICULAR EDUCATION PROGRAM do not impose liability in the treatment of a patient on those individuals or any of the following persons:

(a) The authorizing physician or physician's designee.

(b) The medical director and individuals serving on the GOVERNING BOARD, advisory body, OR COMMITTEE of the medical control authority AND AN EMPLOYEE OF THE MEDICAL CONTROL AUTHORITY.

(c) The person providing communications services or lawfully operating or utilizing supportive electronic communications devices.

(d) The life support agency or an officer, member of the staff, or other employee of the life support agency.

(e) The hospital or an officer, member of the staff, nurse, or other employee of the hospital.

(f) The authoritative governmental unit or units.

(g) Emergency personnel from outside the state.

(H) THE EDUCATION PROGRAM MEDICAL DIRECTOR.

(I) THE EDUCATION PROGRAM INSTRUCTOR-COORDINATOR.

(J) THE EDUCATION PROGRAM SPONSOR AND EDUCATION PROGRAM SPONSOR ADVISORY COMMITTEE.

(K) THE STUDENT OF A DEPARTMENT-APPROVED EDUCATION PROGRAM WHO IS PARTICIPATING IN AN EDUCATION PROGRAM-APPROVED CLINICAL SETTING.

(I) AN INSTRUCTOR OR OTHER STAFF EMPLOYED BY OR UNDER CONTRACT TO A DEPARTMENT-APPROVED EDUCATION PROGRAM FOR THE PURPOSE OF PROVIDING TRAINING OR INSTRUCTION FOR THE DEPARTMENT-APPROVED EDUCATION PROGRAM.

(M) THE LIFE SUPPORT AGENCY OR AN OFFICER, MEMBER OF THE STAFF, OR OTHER EMPLOYEE OF THE LIFE SUPPORT AGENCY PROVIDING THE CLINICAL SETTING DESCRIBED IN SUBDIVISION (K).

(N) THE HOSPITAL OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE HOSPITAL PROVIDING THE CLINICAL SETTING DESCRIBED IN SUBDIVISION (K).

(2) SUBSECTION (1) APPLIES TO SERVICES CONSISTING OF THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR ON AN INDIVIDUAL WHO IS IN OR IS EXHIBITING SYMPTOMS OF CARDIAC DISTRESS.

(3) UNLESS AN ACT OR OMISSION IS THE RESULT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, THE ACTS OR OMISSIONS OF ANY OF THE PERSONS NAMED BELOW, WHILE PARTICIPATING IN THE DEVELOPMENT OF PROTOCOLS UNDER THIS PART, IMPLEMENTATION OF PROTOCOLS UNDER THIS PART, OR HOLDING A PARTICIPANT IN THE EMERGENCY MEDICAL SERVICES SYSTEM ACCOUNTABLE FOR DEPARTMENT-APPROVED PROTOCOLS UNDER THIS PART, DOES NOT IMPOSE LIABILITY IN THE PERFORMANCE OF THOSE FUNCTIONS:

(A) THE MEDICAL DIRECTOR AND INDIVIDUALS SERVING ON THE GOVERNING BOARD, ADVISORY BODY, OR COMMITTEES OF THE MEDICAL CONTROL AUTHORITY OR EMPLOYEES OF THE MEDICAL CONTROL AUTHORITY.

(B) A PARTICIPATING HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY IN THE MEDICAL CONTROL AUTHORITY OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE HOSPITAL OR FREESTANDING SURGICAL OUTPATIENT FACILITY.

(C) A PARTICIPATING AGENCY IN THE MEDICAL CONTROL AUTHORITY OR AN OFFICER, MEMBER OF THE MEDICAL STAFF, OR OTHER EMPLOYEE OF THE PARTICIPATING AGENCY.

(D) A NONPROFIT CORPORATION THAT PERFORMS THE FUNCTIONS OF A MEDICAL CONTROL AUTHORITY.

(4) ~~(2) Subsection (1) does~~ SUBSECTIONS (1) AND (3) DO not limit immunity from liability otherwise provided by law for any of the persons listed in ~~subsection~~ SUBSECTIONS (1) AND (3).".

The amendment to the substitute was adopted.

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

Senator Koivisto entered the Senate Chamber.

The question being on concurring in the House substitute, as amended,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 671

Yeas—22

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

Nays—14

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

Excused—2

Dingell	Hoffman
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Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 867, entitled

A bill to create certain authorities; to authorize creation of certain funds; to authorize expenditures from the funds; to finance the purchase of land and the development of certain convention facilities and of public improvements or related facilities; and to prescribe the powers and duties of certain state and local officials.

(For text of amendments, see Senate Journal No. 84, p. 1910.)

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

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

Roll Call No. 672**Yeas—35**

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

Nays—1

Jaye

Excused—2

Dingell

Hoffman

Not Voting—0

In The Chair: Schwarz

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

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

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 4177, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 1994 PA 189.

Substitute (S-4).

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

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

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on the Third Reading of Bills calendar for consideration today:

House Bill No. 4177

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

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

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

House Bill No. 4177

House Bill No. 5088

House Bill No. 4708

House Bill No. 4424

House Bill No. 4469

House Bill No. 4587

House Bill No. 4588

House Bill No. 4737

The motion prevailed.

The following bill was read a third time:

House Bill No. 4177, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 24f (MCL 211.24f), as amended by 1994 PA 189.

The question being on the passage of the bill,

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

Roll Call No. 673

Yeas—36

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

Nays—0

Excused—2

Dingell

Hoffman

Not Voting—0

In The Chair: Schwarz

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5088, entitled

A bill to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act.

The question being on the passage of the bill,

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

Roll Call No. 674

Yeas—36

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

Nays—0

Excused—2

Dingell

Hoffman

Not Voting—0

In The Chair: Schwarz

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

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

The motion prevailed.

Senator Miller's statement is as follows:

Mr. President, I had the privilege a short while ago to recommend a young woman to work in this body as a Page. She is completing her tour of duty here, and she is also graduating Saturday from the great university in East Lansing—Michigan State University. December 22 is her last day, and I know we will not be here, but I would like to have the Senate say a thank you to Beth Harrison for the great work she has done here. I wish that after Saturday when she graduates and goes out and finds a real job, she'll be able to remember that the Senate was a rather easy job compared to the real world.

Beth, we want to thank you, and the best of luck to you after you graduate on Saturday.

The following bill was read a third time:

House Bill No. 4708, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529, 2950, and 2950a (MCL 600.2529, 600.2950, and 600.2950a), section 2529 as amended by 1994 PA 403, section 2950 as amended by 1998 PA 477, and section 2950a as amended by 1998 PA 476.

The question being on the passage of the bill,

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

Roll Call No. 675

Yeas—35

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

Nays—0

Excused—2

Dingell	Hoffman
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Not Voting—1

Young

In The Chair: Schwarz

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; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4424, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 2970; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 676

Yeas—34

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

Nays—0

Excused—2

Dingell	Hoffman
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Not Voting—2

Smith, V.	Young
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In The Chair: Schwarz

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

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

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

“An act to 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; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

Senator Emerson moved that Senators V. Smith and Young be temporarily excused from the balance of today’s session.

The motion prevailed.

Senator V. Smith entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4469, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of

certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” (MCL 691.1401 to 691.1415) by adding section 7b; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 677**Yeas—35**

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

Nays—0**Excused—3**

Dingell	Hoffman	Young
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Not Voting—0

In The Chair: Schwarz

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

Senator Young entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4587, entitled

A bill to protect against interest, fines, penalties, and other fees and finance charges by political subdivisions for billing errors caused by computer date failures; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 678**Yeas—36**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.

Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussiaert	Hart	North	Steil
DeGrow	Jaye	Peters	Stille
Dunaskiss	Johnson	Rogers	Van Regenmorter
Emerson	Koivisto	Schuette	Vaughn
Emmons	Leland	Schwarz	Young

Nays—0

Excused—2

Dingell Hoffman

Not Voting—0

In The Chair: Schwarz

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

The following bill was read a third time:

House Bill No. 4588, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” by amending section 7 (MCL 691.1407), as amended by 1996 PA 143, and by adding section 7a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 679

Yeas—36

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

Nays—0

Excused—2

Dingell

Hoffman

Not Voting—0

In The Chair: Schwarz

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

Senator Young stated that had he been present when the votes were taken on the passage of the following bills, he would have voted “yea”:

House Bill No. 4708**House Bill No. 4424****House Bill No. 4469**

The following bill was read a third time:

House Bill No. 4737, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by amending the title and by adding section 2969; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 680**Yeas—36**

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Jaye
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

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

Nays—0**Excused—2**

Dingell

Hoffman

Not Voting—0

In The Chair: Schwarz

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

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; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

Committee Reports

The Committee on Judiciary reported

House Bill No. 4475, entitled

A bill to amend 1976 PA 220, entitled “Persons with disabilities civil rights act,” by amending sections 103 and 301 (MCL 37.1103 and 37.1301), section 103 as amended by 1998 PA 20 and section 301 as amended by 1980 PA 478.

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

1. Amend page 3, line 21, after “agency” by striking out the balance of the subdivision and inserting a period.

2. Amend page 5, line 12, after “is” by striking out the balance of the line through line 14 and inserting “curative and intended to correct any misinterpretation of legislative intent in the court of appeals decision in Doe v Department of Corrections, 236 Mich App 801 (1999). This legislation further expresses”.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard and Rogers

Nays: Senators Peters, V. Smith and Dingell

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

The Committee on Judiciary reported

House Bill No. 4476, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending sections 103 and 301 (MCL 37.2103 and 37.2301), section 103 as amended by 1992 PA 124 and section 301 as amended by 1992 PA 70.

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

1. Amend page 2, line 16, after “entity” by striking out the balance of the subdivision and inserting a period.

2. Amend page 4, line 15, after “intent” by inserting “in the court of appeals decision Neal v Department of Corrections, 232 Mich app 730 (1998)”.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard and Rogers

Nays: Senators Peters, V. Smith and Dingell

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

The Committee on Judiciary reported

House Bill No. 4592, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 7 (MCL 29.7).

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, December 7, 1999, at 12:00 noon, Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

The Committee on Appropriations reported

House Bill No. 4297, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2000 and September 30, 2001; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussiaert and Emerson

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4305, entitled

A bill to make, supplement, and adjust appropriations for the department of environmental quality for the fiscal year ending September 30, 2000 and other fiscal periods; to prescribe the powers and duties of certain state agencies and officials; and to provide for the expenditure of the appropriations.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussiaert and Emerson

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, December 7, 1999, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussiaert and Emerson

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 605 submits the following:

Meeting held on Wednesday, December 8, 1999, at 5:05 p.m., Room 404, Capitol Building

Present: Senators Van Regenmorter (C), Emmons and Emerson

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:08 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, December 9, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

