

**No. 24**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Tuesday, March 14, 2000.

10:00 a.m.

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

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

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

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

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

Senator Dale L. Shugars of the 21st District offered the following invocation:

Father, You have said if anyone lacks wisdom, let him ask of You. You giveth to all men liberally and upbraideth not, and it shall be given him. Therefore, I ask in faith, nothing wavering, to be filled with the knowledge of Your will in all wisdom and spiritual understanding. Today I incline my ear unto wisdom and apply my heart to understanding so that I might receive that which has been freely given unto me.

In the name of Jesus, I receive skill and godly wisdom and instruction. I discern and comprehend the words of the understanding and insight. I receive instruction in wise dealing and the discipline of wise thoughtfulness, righteousness, justice, and integrity. Prudence, knowledge, discretion, and discernment are given to me. I increase in knowledge. As a person of understanding, I acquire skill and attain to sound counsels so that I may be able to steer my course rightly. In Your name we pray. Amen.

### **Motions and Communications**

Senators Dunaskiss, Miller, Stille and Van Regenmorter entered the Senate Chamber.

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

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

The Secretary announced the printing and placement in the members' files on Thursday, March 9, of:

|                        |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>House Bill Nos.</b> | <b>5483</b> | <b>5484</b> | <b>5485</b> | <b>5486</b> | <b>5487</b> | <b>5488</b> | <b>5489</b> | <b>5490</b> | <b>5491</b> | <b>5492</b> | <b>5493</b> | <b>5494</b> | <b>5495</b> | <b>5496</b> |
|                        | <b>5497</b> | <b>5498</b> | <b>5499</b> |             |             |             |             |             |             |             |             |             |             |             |

The Secretary announced the printing and placement in the members' files on Monday, March 13, of:

|                         |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>Senate Bill Nos.</b> | <b>1065</b> | <b>1066</b> | <b>1067</b> | <b>1068</b> | <b>1069</b> | <b>1070</b> | <b>1071</b> | <b>1072</b> | <b>1073</b> | <b>1074</b> | <b>1075</b> | <b>1076</b> | <b>1077</b> | <b>1078</b> |
|                         | <b>1079</b> | <b>1080</b> | <b>1081</b> | <b>1082</b> | <b>1083</b> | <b>1084</b> | <b>1085</b> | <b>1086</b> | <b>1087</b> | <b>1088</b> | <b>1089</b> | <b>1090</b> | <b>1091</b> | <b>1092</b> |
|                         | <b>1093</b> | <b>1094</b> | <b>1095</b> | <b>1096</b> | <b>1097</b> | <b>1098</b> | <b>1099</b> | <b>1100</b> | <b>1101</b> | <b>1102</b> | <b>1103</b> | <b>1104</b> | <b>1105</b> | <b>1106</b> |
|                         | <b>1107</b> | <b>1108</b> | <b>1109</b> | <b>1110</b> | <b>1111</b> | <b>1112</b> | <b>1113</b> | <b>1114</b> | <b>1115</b> | <b>1116</b> | <b>1117</b> | <b>1118</b> | <b>1119</b> | <b>1120</b> |
|                         | <b>1121</b> | <b>1122</b> | <b>1123</b> | <b>1124</b> | <b>1125</b> | <b>1126</b> | <b>1127</b> | <b>1128</b> | <b>1129</b> | <b>1130</b> | <b>1131</b> | <b>1132</b> | <b>1133</b> | <b>1134</b> |
|                         | <b>1135</b> | <b>1136</b> | <b>1137</b> | <b>1138</b> | <b>1139</b> | <b>1140</b> | <b>1141</b> | <b>1142</b> | <b>1143</b> | <b>1144</b> | <b>1145</b> | <b>1146</b> | <b>1147</b> | <b>1148</b> |
|                         | <b>1149</b> | <b>1150</b> | <b>1151</b> | <b>1152</b> | <b>1153</b> | <b>1154</b> | <b>1155</b> | <b>1156</b> | <b>1157</b> | <b>1158</b> | <b>1159</b> | <b>1160</b> | <b>1161</b> | <b>1163</b> |
|                         | <b>1164</b> | <b>1165</b> |             |             |             |             |             |             |             |             |             |             |             |             |
| <b>House Bill Nos.</b>  | <b>5500</b> | <b>5501</b> | <b>5502</b> | <b>5503</b> | <b>5504</b> |             |             |             |             |             |             |             |             |             |

### **Messages from the Governor**

The following message from the Governor was received on March 10, 2000, and read:

#### **EXECUTIVE ORDER No. 2000 - 5**

#### **Commission on Spanish-Speaking Affairs Office of Spanish-Speaking Affairs Interagency Council on Spanish-Speaking Affairs Department of Civil Rights Department of Career Development**

Whereas, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

Whereas, the Commission on Spanish-Speaking Affairs ("Commission"), the Office of Spanish-Speaking Affairs ("Office"), and the Interagency Council on Spanish-Speaking Affairs ("Council") were created by Act No. 164 of the Public Acts of 1975, being Sections 18.301 et seq. of the Michigan Compiled Laws; and

Whereas, the Commission, Office and Council are currently located within the Department of Civil Rights pursuant to Executive Order 1991-29; and

Whereas, Michigan's Spanish-Speaking community has made many significant contributions to our state's culture and economy; and

Whereas, the Commission is dedicated to doing all it can to enable Michigan's Spanish-Speaking community to realize its full potential in our dynamic, rapidly expanding economy; and

Whereas, the Department of Career Development was established by Executive Order 1999-1 in order to develop a system that provides Michigan's workforce with the required skills to maintain and enhance Michigan's economy; and

Whereas, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions, and responsibilities of the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs set forth in Act No. 164 of the Public Acts of 1975, being Section 18.301 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Career Development by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions, and responsibilities of the Interagency Council on Spanish-Speaking Affairs set forth in Act No. 164 of the Public Acts of 1975, being Section 18.301 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Career Development by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The Director of the Department of Career Development shall provide executive direction and supervision for the implementation of the transfers. The assigned functions of the Interagency Council on Spanish-Speaking Affairs shall be administered by the Director of the Department of Career Development.

4. The Chairperson of the Commission on Spanish-Speaking Affairs and the Director of the Department of Career Development shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Commission on Spanish-Speaking Affairs and the Office of Spanish-Speaking Affairs.

5. The Director of the Department of Career Development shall make internal organizational changes as may be administratively necessary to complete the realignment of the responsibilities prescribed by this Order.

6. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the year.

7. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Commission on Spanish-Speaking Affairs, the Office of Spanish-Speaking Affairs and the Interagency Council on Spanish-Speaking Affairs for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Director of the Department of Career Development.

8. All rules, orders, contracts and agreements related to the assigned functions that were lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

9. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirements of Article V, Section 2 of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days after filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 10th day of March, in the Year of our Lord, Two Thousand.

John Engler  
Governor

By the Governor:

Candice S. Miller

Secretary of State

The Executive Order was referred to the Committee on Government Operations.

### Messages from the House

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

#### **Senate Bill No. 826, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803/ and 804 (MCL 257.803/ and 257.804), section 803/ as amended by 1998 PA 68 and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts.

Substitute (H-1).

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

1. Amend page 2, following line 23, by inserting:

“Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if either of the following applies:

(a) The person is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(b) The person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person who is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance, who has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or whose ability to operate the motor vehicle is visibly impaired due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1) or (3) and by the operation of that motor vehicle causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1) or (3) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence. As used in this subsection, “serious impairment of a body function” includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or use of a limb.

(b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(c) Loss of an eye or ear or use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain damage or mental impairment.

(h) A skull fracture or other serious bone fracture.

(i) Subdural hemorrhage or subdural hematoma.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, “any bodily alcohol content” means either of the following:

(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a vehicle in violation of subsection (1), (3), (4), or (5) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision is guilty of a misdemeanor and shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(ii) If the violation occurs within 7 years of a prior conviction or within 10 years of 2 or more prior convictions, a person who violates this subdivision is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than \$500.00.

(C) Imprisonment for not more than 93 days.

(ii) If the violation occurs within 7 years of a prior conviction or within 10 years of 2 or more prior convictions, a person who violates this subdivision shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(c) In the judgment of sentence under subdivision (a)(i) or (b)(i), the court may, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(ii) or (b)(ii), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(d) This subsection does not prohibit a person from being charged with, convicted of, or punished for a violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction.

(8) If a person is convicted of violating subsection (1), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 45 days.

(ii) Imprisonment for not more than 93 days.

(iii) A fine of not less than \$100.00 or more than \$500.00.

(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph shall be served consecutively.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs within 10 years of 2 or more prior convictions, the person is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(9) A person who is convicted of violating subsection (2) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.

(b) If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,500.00 or more than \$10,000.00, or both.

(c) If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(10) If a person is convicted of violating subsection (3), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 45 days.

(ii) Imprisonment for not more than 93 days.

(iii) A fine of not more than \$300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00, and 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph shall be served consecutively.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs within 10 years of 2 or more prior convictions, the person is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(11) If a person is convicted of violating subsection (6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(i) Community service for not more than 45 days.

(ii) A fine of not more than \$250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(12) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 776.22.

(13) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(14) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 625n or 904d based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(15) If a person is charged with a violation of subsection (1), (3), (4), (5), or (7) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

(16) A prior conviction shall be established at sentencing by 1 or more of the following:

(a) An abstract of conviction.

(b) A copy of the defendant's driving record.

(c) An admission by the defendant.

(17) Except as otherwise provided in subsection (19), if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(18) Except as otherwise provided in subsection (19), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(19) A special verdict described in subsections (17) and (18) is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(20) If a jury or court finds under subsection (17), (18), or (19) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an intoxicating liquor, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.

(21) Except as otherwise provided by law, a record described in subsection (20)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(22) In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

(23) Subject to subsection (25), as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (24), a violation or attempted violation of subsection (1), (3), (4), (5), (6), or (7), section 625m, former section 625(1) or (2), or former section 625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(24) Except for purposes of the enhancement described in subsection (11)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction.

(25) If 2 or more convictions described in subsection (23) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction."

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

"Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state.

(2) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act.

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment pursuant to section 321a.

(5) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment pursuant to section 321a. As used in this subsection and subsection (7), "serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or loss of use of a limb.
- (b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
- (c) Loss of an eye or ear or loss of use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.

(6) In addition to being subject to any other penalty provided for in this act, if a person is convicted under subsection (4) or (5), the court may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(7) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never been licensed except as permitted by this act. If a person permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a body function of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. If a person permitted to operate a motor vehicle in violation of this subsection causes the death of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(8) If the prosecuting attorney intends to seek an enhanced sentence under this section ~~or a sanction under section 904d~~ based upon the defendant having 1 or more prior convictions, ~~or suspensions or revocations under this section,~~ the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions, ~~suspensions, or revocations.~~

(9) A prior conviction, ~~a suspension, or a revocation~~ under this section shall be established at or before sentencing by 1 or more of the following:

- (a) An abstract of conviction.
- (b) A copy of the defendant's driving record.
- (c) An admission by the defendant.

(10) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

(11) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is indefinitely suspended or whose application for a license has been denied, the secretary of state immediately shall impose a 30-day period of suspension or denial.

(12) Upon receiving a record of the conviction, bond forfeiture, or a civil infraction determination of a person for unlawful operation of a motor vehicle requiring a vehicle group designation while the designation is suspended pursuant to section 319a or 319b, or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length, if the violation occurs before the person is approved for a license following a revocation, or if the person operates a commercial vehicle while disqualified under the commercial motor vehicle safety act of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.

(13) If the secretary of state receives records of more than 1 conviction or civil infraction determination resulting from the same incident, all of the convictions or civil infraction determinations shall be treated as a single violation for purposes of imposing an additional period of suspension or revocation under subsection (10), (11), or (12).

(14) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

(15) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.

(16) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than 3 days or more than 93 days or a fine of not more than \$100.00, or both.

(17) If a person has a second or subsequent suspension or revocation under this section within 7 years as indicated on the person's Michigan driving record, the court shall proceed as provided in section 904d.

(18) Any period of suspension or revocation required under subsection (10), (11), or (12) does not apply to a person who has only 1 currently effective suspension or denial on his or her Michigan driving record under section 321a and was convicted of or received a civil infraction determination for a violation that occurred during that suspension or denial. This subsection may only be applied once during the person's lifetime.

(19) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.”.

The amendments to the substitute were adopted.

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

The motion prevailed.

#### **Senate Bill No. 857, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 33, 79, 216, 217b, 233a, 301, 657, 660, 705, and 801 (MCL 257.33, 257.79, 257.216, 257.217b, 257.233a, 257.301, 257.657, 257.660, 257.705, and 257.801), section 33 as amended by 1997 PA 56, section 79 as amended by 1992 PA 134, section 216 as amended by 1996 PA 141, section 233a as amended by 1988 PA 470, section 301 as amended by 1988 PA 346, section 660 as amended by 1994 PA 348, section 705 as amended by 1995 PA 91, and section 801 as amended by 1998 PA 384, and by adding sections 25b and 658b.

Substitute (H-3).

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

Senator Koivisto offered the following amendment to the substitute:

1. Amend page 1, line 2, after “VEHICLE” by inserting “DESIGNED TO BE OPERATED AT A SPEED NOT TO EXCEED 35 MILES PER HOUR”.

The amendment to the substitute was adopted.

Senator McManus offered the following amendment to the substitute:

1. Amend page 10, line 6, by striking out “49 C.F.R. 571.216” and inserting “49 C.F.R. 571.500”.

The amendment to the substitute was adopted.

Senator Peters offered the following amendment to the substitute:

1. Amend page 9, following line 24, by inserting:

“Sec. 658. (1) A person propelling a bicycle or operating a motorcycle or moped shall not ride other than upon and astride a permanent and regular seat attached to that vehicle.

(2) A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it is designed and equipped.

(3) A moped shall not be used to carry more than 1 person at a time.

(4) ~~A person operating or riding on a motorcycle, and any~~ person less than 19 years of age OPERATING OR RIDING ON A MOTORCYCLE OR operating a moped on a public thoroughfare shall wear a crash helmet on his or her head. Crash helmets shall be approved by the department of state police. The department of state police shall promulgate rules for the implementation of this section pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 TO 24.328.~~ Rules in effect on June 1, 1970, shall apply to helmets required by this act. This subsection does not apply to a person operating or riding in an autocycle if the vehicle is equipped with a roof which meets or exceeds standards for a crash helmet.

(5) A person operating or riding in an autocycle shall wear seat belts when on a public highway in this state.”.

The amendment to the substitute was not adopted.

Senator McManus offered the following amendment to the substitute:

1. Amend page 17, line 27, after “operations” by inserting “OR A TRUCK USED EXCLUSIVELY TO HAUL MILK FROM THE FARM TO THE FIRST POINT OF DELIVERY”.

The amendment to the substitute was adopted.

Senator Leland 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. 68

#### Yeas—37

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

#### Nays—0

#### Excused—1

Smith, V.

#### Not Voting—0

In The Chair: Schwarz

#### Senate Bill No. 1040, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 35a (MCL 208.35a), as added by 1999 PA 115.

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

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

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

The Senate agreed to the full title.

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

#### Senate Bill No. 180, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 43902 and 43905 (MCL 324.43902 and 324.43905), as added by 1995 PA 57.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 770, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811l. The House of Representatives has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The Senate agreed to the full title.

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

**Senate Bill No. 827, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811j. The House of Representatives has passed the bill and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 829, entitled**

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 1997 PA 34.

The House of Representatives has passed the bill.

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.

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

**Senate Bill No. 525, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1g to chapter IX.

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

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

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

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

**Senate Bill No. 826, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803l and 804 (MCL 257.803l and 257.804), section 803l as amended by 1998 PA 68 and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts.

(This bill was announced earlier today, amendment to the House substitute adopted and consideration postponed. See p. 291.)

Senator Bullard offered the following amendment to the substitute:

1. Amend page 12, line 25, by striking out all of enacting section 3.

The amendment to the substitute was 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. 69****Yeas—36**

|               |             |          |           |
|---------------|-------------|----------|-----------|
| Bennett       | Emmons      | Koivisto | Schwarz   |
| Bullard       | Gast        | McCotter | Shugars   |
| Byrum         | Goschka     | McManus  | Sikkema   |
| Cherry        | Gougeon     | Miller   | Smith, A. |
| DeBeaussiaert | Hammerstrom | Murphy   | Steil     |
| DeGrow        | Hart        | North    | Stille    |

Dingell  
Dunaskiss  
Emerson

Hoffman  
Jaye  
Johnson

Peters  
Rogers  
Schuette

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—2**

Leland

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

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

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 625, 803l, 804, and 904 (MCL 257.625, 257.803l, 257.804, and 257.904), sections 625 and 904 as amended by 1999 PA 73, 803l as amended by 1998 PA 68, and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Emerson moved that Senator Leland be excused from the balance of today’s session.

The motion prevailed.

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. 5040**

**House Bill No. 5041**

**House Bill No. 5042**

**Senate Bill No. 1006**

**Senate Bill No. 1007**

**Senate Bill No. 1013**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5040, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 811n.

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. 70**

**Yeas—36**

Bennett  
Bullard

Emmons  
Gast

Koivisto  
McCotter

Schwarz  
Shugars

|              |             |           |                 |
|--------------|-------------|-----------|-----------------|
| Byrum        | Goschka     | McManus   | Sikkema         |
| Cherry       | Gougeon     | Miller    | Smith, A.       |
| DeBeaussaert | Hammerstrom | Murphy    | Steil           |
| DeGrow       | Hart        | North     | Stille          |
| Dingell      | Hoffman     | Peters    | Van Regenmorter |
| Dunaskiss    | Jaye        | Rogers    | Vaughn          |
| Emerson      | Johnson     | Schuetten | Young           |

**Nays—0**

**Excused—2**

Leland

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

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

The recommendation was 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 for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5041, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 811k.

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. 71**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Leland

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was 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 for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5042, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 811i.

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. 72**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Leland

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

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

The recommendation was 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 for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1006, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 204a and 210 (MCL 330.1204a and 330.1210), section 204a as added and section 210 as amended by 1995 PA 290.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendments:

1. Amend page 1, line 1, after “204a.” by inserting “(1)”.

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

“(2) WHEN PROVIDING SERVICES FOR A COMMUNITY MENTAL HEALTH ORGANIZATION CREATED AS AUTHORIZED BY THIS SECTION, AN AGENT OR EMPLOYEE OF AN INSTITUTE OF HIGHER EDUCATION DESCRIBED IN SUBSECTION (1), WHICH INSTITUTE OF HIGHER EDUCATION DOES NOT FALL WITHIN THE EXCEPTION FROM GOVERNMENTAL IMMUNITY REGARDING A HOSPITAL OR COUNTY MEDICAL CARE FACILITY PRESCRIBED BY SECTION 7 OF 1964 PA 170, MCL 691.1407, HAS THE SAME LIABILITY FOR AN ACT OR OMISSION AS AN AGENT OR EMPLOYEE OF AN INSTITUTE OF HIGHER EDUCATION THAT FALLS WITHIN THE EXCEPTION TO GOVERNMENTAL IMMUNITY UNDER THAT SECTION.”.

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. 73****Yeas—36**

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

**Nays—0****Excused—2**

Leland

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1007, entitled**

A bill to amend 1967 (Ex Sess) PA 7, entitled “Urban cooperation act of 1967,” by amending section 2 (MCL 124.502), as amended by 1995 PA 108.

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 2, line 15, after “SCHOOL.” by inserting “A PUBLIC AGENCY OPERATING PURSUANT TO AN INTERLOCAL AGREEMENT UNDER SECTION 204A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1204A, SHALL COMPLY WITH THE PROVISIONS OF SECTION 5(G)(i) AND (ii) AND SHALL ONLY ENTER INTO A CONTRACT FOR SERVICES TO BE PROVIDED BY EMPLOYEES WITH THE PUBLIC AGENCIES THAT CREATED THE AGREEMENT.”.

The question being on the adoption of the amendment,

Senator Cherry 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. 74****Yeas—14**

|              |          |        |           |
|--------------|----------|--------|-----------|
| Byrum        | Emerson  | Miller | Smith, A. |
| Cherry       | Goschka  | Murphy | Vaughn    |
| DeBeaussaert | Hart     | Peters | Young     |
| Dingell      | Koivisto |        |           |

**Nays—22**

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

**Excused—2**

|        |           |
|--------|-----------|
| Leland | Smith, V. |
|--------|-----------|

**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. 75****Yeas—25**

Bennett  
Bullard  
Byrum  
DeGrow  
Dunaskiss  
Emmons  
Gast

Goschka  
Gougeon  
Hammerstrom  
Hoffman  
Jaye  
Johnson

McCotter  
McManus  
North  
Rogers  
Schuette  
Schwarz

Shugars  
Sikkema  
Smith, A.  
Steil  
Stille  
Van Regenmorter

**Nays—11**

Cherry  
DeBeaussaert  
Dingell

Emerson  
Hart  
Koivisto

Miller  
Murphy  
Peters

Vaughn  
Young

**Excused—2**

Leland

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1013, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 226 (MCL 330.1226), as amended by 1998 PA 417.

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. 76****Yeas—35**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Emmons  
Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Johnson  
Koivisto

McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette  
Schwarz

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

**Nays—1**

Jaye

**Excused—2**

Leland

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

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

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

**Senate Bill No. 664, entitled**

A bill to amend 1975 PA 148, entitled “Debt management act,” by amending sections 2, 5, 6, 8, 13, 14, 15, 16, and 18 (MCL 451.412, 451.415, 451.416, 451.418, 451.423, 451.424, 451.425, 451.426, and 451.428); and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 10, line 4, after “BE” by striking out “certified” and inserting “AUDITED OR REVIEWED”.
2. Amend page 12, line 25, after “An” by striking out the balance of the line through “selor” on line 26 and inserting “APPLICANT SHALL PASS AN EXAMINATION ADMINISTERED BY THE DIRECTOR OR HIS OR HER DESIGNEE BEFORE THE DIRECTOR GRANTS A LICENSE TO THE APPLICANT UNDER THIS ACT. A COUNSELOR”.
3. Amend page 13, line 20, after “BE” by striking out “certified” and inserting “AUDITED OR REVIEWED”.
4. Amend page 21, line 20, after “3” by inserting “BUSINESS”.
5. Amend page 22, line 7, after “(F)” by inserting “AT LEAST”.
6. Amend page 24, line 7, after “(2)” by striking out “In” and inserting “EXCEPT FOR A CANCELLATION DESCRIBED IN SUBSECTION (3), FOR WHICH A LICENSEE MAY NOT COLLECT THE ADDITIONAL FEE DESCRIBED IN THIS SUBSECTION, IN”.
7. Amend page 24, line 18, after “licensee” by striking out the balance of the subsection and inserting a period and “THE DEBTOR HAS THE RIGHT TO CANCEL THE CONTRACT UNTIL 12 MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE FIRST DAY THE CONTRACT IS IN EFFECT BY DELIVERING WRITTEN NOTICE OF CANCELLATION TO THE LICENSEE.”.

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

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

**Senate Bill No. 584, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 10.

Substitute (S-3).

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

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

**Senate Bill No. 585, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” (MCL 205.91 to 205.111) by adding section 8.

Substitute (S-6).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 694, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending the title and section 2006 (MCL 500.2006), the title as amended by 1998 PA 457, and by adding section 2006a.

Substitute (S-4).

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

1. Amend page 5, line 18, after "INCLUDES" by striking out the balance of the subsection and inserting "THE AUTHORIZATION NUMBER."

2. Amend page 6, line 3, after "ELECTRONICALLY" by inserting "OR AS OTHERWISE SPECIFIED BY THE COMMISSIONER".

3. Amend page 6, line 24, after "(I)" by striking out the balance of the subdivision and inserting "THAT A HEALTH PLAN MUST REPORT TO THE COMMISSIONER THE NUMBER OF CLAIMS THAT HAVE NOT BEEN PAID WITHIN THE TIME LIMITS PRESCRIBED IN THIS SECTION. THE REPORT IS DUE ON JANUARY 1, APRIL 1, JULY 1, AND OCTOBER 1 OF EACH YEAR. HOWEVER, A REPORT IS NOT DUE DURING THE 6-MONTH PERIOD FOLLOWING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION."

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

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

**Senate Bill No. 696, entitled**

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

Substitute (S-1).

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

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

**Senate Bill No. 698, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21095 and 21095a.

Substitute (S-1).

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

## Resolutions

Senator Young offered the following resolution:

**Senate Resolution No. 143.**

A resolution honoring and congratulating the family of Norman "Turkey" Stearnes for his induction into the Baseball Hall of Fame.

Whereas, It is a pleasure and a privilege to have this opportunity to recognize the family of Norman "Turkey" Stearnes for his induction into the Baseball Hall of Fame in Cooperstown, New York. To his wife Nettie, and daughters, Rosilyn and Joyce, we extend our congratulations and best wishes for this most deserving recognition. The Baseball Hall of Fame Veterans Committee made the announcement on February 29, 2000, that their husband and father had been selected to enter this prestigious club. This was certainly a day that they will never forget; and

Whereas, Mr. Stearnes obtained great respect and admiration for his successful career in the Negro Leagues, having garnered more votes than any other player—59,904—when fans selected participants for the first Negro Leagues All Star Game in 1933; and

Whereas, This long-overdue recognition has finally been granted. As the first Detroit Stars player inducted into the Baseball Hall of Fame, Mr. Stearnes' statistics certainly define his achievements. Norman "Turkey" Stearnes had a lifetime batting average of .353, career slugging percentage of .678, batting average of .474 in playoff games, and coupled with his record of leading the league in doubles twice, triples three times, and home runs seven times. His career certainly renders more than ample documentation for his entry into the Baseball Hall of Fame; and

Whereas, "Turkey" Stearnes refused to bear false witness. When asked on a questionnaire from Cooperstown, "What do you consider your outstanding achievement in baseball?" he responded simply and directly, "Hitting, fielding, running, and throwing"; and

Whereas, Norman was devoted to his wife Nettie and their two daughters. After 20 years in baseball, he continued to work and support his family in the foundry at the Ford Rouge plant, where he labored for 25 years. His dedication and commitment to his family was quite evident in all that he did for them; and

Whereas, In his 20 years of professional baseball, Mr. Stearnes not only compiled Hall of Fame statistics, but also demonstrated a rare love for America's pastime. He was a lifelong Tigers fan and rarely missed a home game. Norman preferred to sit in the bleachers "with those who knew and loved the game"; now, therefore, be it

Resolved by the Senate, That all the citizens of the great state of Michigan go on record as congratulating the family of Norman "Turkey" Stearnes, his wife Nettie, and his two daughters, Rosilyn and Joyce, for this most deserving recognition and induction into the Baseball Hall of Fame; and be it further

Resolved, That a copy of this resolution be transmitted to Nettie, Rosilyn, and Joyce as evidence of our esteem and sincere best wishes.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Rogers moved that the rule be suspended.

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

The resolution was adopted.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

By unanimous consent the Senate proceeded to the order of

### **Statements**

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

The motion prevailed.

Senator Shugars' statement is as follows:

Today I am introducing a bill that makes it permissive that a local school district or public academy can post the Ten Commandments. As you know, last year the United States House of Representatives approved legislation permitting states to decide whether the Ten Commandments should be posted in schools or other state and local facilities.

As you may remember, James Madison, who is one of the single most important contributors to the United States Constitution, this is what he said about the Ten Commandments, "We have staked the whole future of the American civilization not upon the power of government. We have staked the future of all our political constitutions upon the capacity of each and all us to govern ourselves according to the Ten Commandments of God."

Quoting Darrell Scott, the father of Rachel Scott, a victim of the Columbine High School shooting, he said before the United States House Judiciary Committee on May 27, 1999, "We do not need more restrictive laws. We do need a change of heart and humble acknowledgment that this nation was founded on the principle of simple trust in God."

So I urge my colleagues to support of this legislation that I'm introducing today.

Senator Jaye's statement is as follows:

Mr. President and Senate colleagues, we were very privileged yesterday evening in Macomb County to have a committee of the Senate take public testimony. The Senate Natural Resources and Environmental Affairs Committee took testimony from 7:00 p.m. to well after 9:30 p.m. last night regarding the issue of untreated sewage being dumped in the Clinton River, in particular, the problem of untreated or marginally treated sewage being dumped with very little and oftentimes no notification to the downstream communities.

What had come out in this circumstance is we found out that the Department of Environment Quality (DEQ) does not notify any other elected official except for the chief elected official if there is any action being taken against the township or the city or the village regarding a legal action. So what had happened was that the four part-time trustees in Clinton Township was not informed by the supervisor that there was a DEQ action. A penalty, which I believe is \$250,000, were imposed against the township, and the DEQ relied on the township supervisor to communicate that information to the other elected officials. It was not done.

So one of the purposes of this statement today is to again request informally that the Department of Environment Quality or the DNR communicate any actions, any financial actions, that they're taking against a local unit of government to each member of that unit of government, whether it is a city council or a village council or the township trustees because those part-timers who don't have a full-time position are also obligated to be responsible for the conduct of their sewage plant and paying any kind of penalties.

I would also ask my colleagues to consider support for Senate Bill No. 907. Senate Bill No. 907 imposes a civil fine of 2 to 25 percent of the amount of the negative financial impact on the public employee who causes a severe, negative consequence for the unit of government. A number of the folks who were at this public hearing complained that the \$250,000 fine was going to be paid by the taxpayers. The taxpayers and home owners were not responsible. They didn't have the authority nor the responsibility for running the public works department. They paid their sewer and water bill. They elected the officials to represent them and to make sure that they and other public employees, elected officials and other public employees, were complying with all the environment laws.

What this bill will do, which is modeled on the IRS rules, is that it would hold individuals accountable. Under IRS rules, if a payroll clerk or an accountant makes a error on FICA withholding, the Social Security withholding, that individual is fined between 2 to 25 percent of the error. It is docked out of that individual's salary. There is an old phrase that if you get a person by the wallet, their heart and mind soon follows.

So what this bill does, Senate Bill No. 907, is that it will hold public officials at the local and state level and the other public employees nonelected to be accountable for serious decisions that lead to occurrences like in this case with approximately 220,000 gallons of untreated sewage that was dumped into the waterways; to let these officials know that they have a duty to report to the public health department and to the press and the down river communities, so that folks can make sure that they're not swimming, they're not boating, or they're not fishing during these periods of extreme contamination and risks to the public health.

So I applaud the committee members and the chairman for having this committee hearing. We're looking to apply the same reporting and public notification requirements in the sanitary sewer overflows that are in effect for the combined sewer overflows but also look at holding some individual or public officials accountable as opposed to the taxpayers when these fines are levied.

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

Senator Emmons introduced  
**Senate Bill No. 1166, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending sections 302 and 304 (MCL 32.702 and 32.704).

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

#### **Committee Reports**

The Committee on Judiciary reported  
**Senate Bill No. 257, entitled**

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

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Thaddeus McCotter  
Vice Chairperson

To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

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

The Committee on Judiciary reported  
**Senate Bill No. 769, entitled**

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

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Thaddeus McCotter  
Vice Chairperson

To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

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

The Committee on Judiciary reported  
**Senate Bill No. 894, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145d (MCL 750.145d), as added by 1999 PA 32.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Thaddeus McCotter  
Vice Chairperson

## To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 1051, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8151 and 8152 (MCL 600.8151 and 600.8152), section 8152 as amended by 1990 PA 54.

With the recommendation that the bill pass.

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

Thaddeus McCotter  
Vice Chairperson

## To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 1162, entitled**

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

With the recommendation that the bill pass.

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

Thaddeus McCotter  
Vice Chairperson

## To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5184, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 1999 PA 67.

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.

Thaddeus McCotter  
Vice Chairperson

## To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5185, entitled**

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," by amending section 6 (MCL 752.796), as amended by 1996 PA 326.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Thaddeus McCotter  
Vice Chairperson

## To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5186, entitled**

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," by amending section 7 (MCL 752.797), as amended by 1996 PA 326.

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.

Thaddeus McCotter

Vice Chairperson

## To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5187, entitled**

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," by amending section 2 (MCL 752.792), as amended by 1996 PA 326.

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.

Thaddeus McCotter

Vice Chairperson

## To Report Out:

Yeas: Senators McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, March 8, 2000, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators McCotter, Bullard, Schuette, Peters and Dingell

Excused: Senators Van Regenmorter (C) and V. Smith

The Committee on Farming, Agribusiness and Food Systems reported

**Senate Bill No. 1063, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8707 and 8715 (MCL 324.8707 and 324.8715), section 8715 as amended by 1995 PA 61.

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.

George A. McManus, Jr.

Chairperson

## To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported  
**House Bill No. 5143, entitled**

A bill to amend 1959 PA 228, entitled "An act to promote the development of the Michigan fruit and vegetable industry; to define certain types and methods of fruit and vegetable storage; to prohibit the sale of fruits and vegetables misbranded as to type of storage; to provide for records; to provide for licensing of certain fruit and vegetable storage facilities; to provide for registration and permits for packers or repackers; to provide for revocation of licenses; to provide for the enforcement of this act; and to provide penalties for violation of this act," by amending sections 1, 2, 3, 4, 5, 6, and 9 (MCL 286.371, 286.372, 286.373, 286.374, 286.375, 286.376, and 286.379) and by adding sections 2a and 4a; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

George A. McManus, Jr.  
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, March 8, 2000, at 2:30 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon, Byrum and Hart

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submits the following:

Meeting held on Monday, March 7, 2000, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators North (C), Hoffman and A. Smith

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Friday, March 10, 2000, at 10:00 a.m., Ferris State University's Kendall College, Grand Rapids

Present: Senators Schwarz (C), Hoffman, Koivisto and A. Smith

Excused: Senator McManus

#### Scheduled Meetings

**Appropriations** - Wednesday, March 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

##### Subcommittees -

**Career Development Strategic Fund Agency** - Tuesdays, March 28, April 11, and May 2, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Family Independence Agency** - Thursday, March 16, 3:00 p.m., Room 100, Farnum Building; Thursday, March 23, 1:00 p.m., Room 100, Farnum Building; Thursday, March 30, 1:00 p.m., Room 100, Farnum Building; Tuesday, April 4, 1:00 p.m., Room 210, Farnum Building; Thursday, April 6, 1:00 p.m., Room 100, Farnum Building; Tuesday, April 11, 1:00 p.m., Room 210, Farnum Building; Thursday, April 13, 3:00 p.m., Room 100, Farnum Building; Tuesday, May 2, 1:00 p.m., Room 210, Farnum Building; and Tuesday, May 9, 1:00 p.m., Room 210, Farnum Building (373-1760)

**Transportation** - Wednesday, March 15, 9:00 a.m., Senate Appropriations Committee Room, 3rd Floor, Capitol Building (373-2426)

**Education** - Wednesday, March 15, 3:00 p.m., Room 810, Farnum Building (373-7350)

**Families, Mental Health and Human Services** - Wednesday, March 15, 4:00 p.m., Room 100, Farnum Building (373-3543)

**Farming, Agribusiness and Food Systems** - Wednesday, March 15, 1:00 p.m., Room 405, Capitol Building (373-1725)

**Government Operations** - Thursday, March 16, 1:00 p.m., Room 100, Farnum Building (373-1707)

**Judiciary** - Wednesday, March 15, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

**Natural Resources and Environmental Affairs** - Thursday, March 23, 6:00 p.m., Northwestern Michigan College, Oleson Center - Rooms 1 and 2, 1701 E. Front Street, Traverse City; Thursday, April 6, 6:00 p.m., Lake Superior State University, Cisler Student and Conference Center - Ontario-Michigan Room, 650 Easterday Avenue, Sault Ste. Marie; and Monday, April 10, 6:00 p.m., Monroe City Hall, Council Chamber, 120 E. First Street, Monroe (373-0797)

**Technology and Energy** - Wednesday, March 15, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 11:30 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 15, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

