

No. 56
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, June 8, 2000.

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
DeBeaussiaert—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

Senator Beverly S. Hammerstrom of the 17th District offered the following invocation:

Heavenly Father, as we gather today in what may be the final hours of session before we go our separate ways, let us reflect upon the role of leadership with which each of us has been blessed and Your words to us in the 11th chapter of Corinthians: Be shepherds of God's flock that is under Your care, serving as overseers not because You must, but because You were willing as God wants you to be; not greedy for money, but eager to serve; not lording it over those entrusted to You, but being examples to the flock.

Lord, we thank You for entrusting us with our roles of leadership. May we use our authority wisely and justly today as we deliberate the matters of state. In Thy holy name we pray.

Senators Bennett, Schwarz and Emmons entered the Senate Chamber.

Motions and Communications

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

The following communication was received:
Department of State

Administrative Rules Notice of Filing

May 30, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:38 p.m. this date, administrative rule (00-05-03) for the Department of Environmental Quality, Land and Water Management Division, entitled "*Inland Lakes and Streams*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

June 5, 2000

Enclosed for your records is the signed copy of the executed engagement contract for the financial audit of the Michigan Legislature for the two years ending September 30, 1999, and September 30, 2000.

If you have any further questions, please contact me or Scott M. Strong, C.P.A., contract Audit Administrator, or Richard A. Stafford, C.P.A., Audit Division Administrator for the Legislature.

June 6, 2000

Enclosed is a copy of the following audit report/executive digest:
Performance Audit of Grand Valley State University, June 2000.

June 6, 2000

Enclosed is a copy of the following audit report/executive digest:
Financial Audit of the Michigan Strategic Fund, October 1, 1998, through September 30, 1999.

June 6, 2000

Enclosed is a copy of the following audit report/executive digest:
Performance Audit of Statewide Federal Indirect Cost Recovery and Usage, June 2000.

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

The communications were referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Wednesday, June 7, of:
House Bill Nos. 5871 5872

Senator A. Smith entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
 The motion prevailed, the time being 10:04 a.m.

11:46 a.m.

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

During the recess, Senators Jaye and Byrum entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 936, entitled

A bill to amend 1982 PA 455, entitled "The library privacy act," by amending section 6 (MCL 397.606), as added by 1999 PA 37.

(For text of amendments, see Senate Journal No. 42, p. 695.)

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. 493

Yeas—38

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

Nays—0

Excused—0

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.
 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. 1224, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16181 (MCL 333.16181), as amended by 1993 PA 80.

(For text of amendments, see Senate Journal No. 55, p. 1129.)

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. 494

Yeas—36

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

Nays—1

Koivisto

Excused—0

Not Voting—1

Hoffman

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.
 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. 718, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 415 (MCL 750.415).
 Substitute (H-2).

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

Roll Call No. 495**Yeas—36**

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

Nays—0**Excused—0****Not Voting—2**

DeGrow

Schuette

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.
 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. 719, entitled

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

(For text of amendment, see Senate Journal No. 55, p. 1129.)

The question being on concurring in the amendment made to the bill by the House,
 The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 496**Yeas—38**

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

Nays—0

Excused—0

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.
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. 1274, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10 and 10o (MCL 247.660 and 247.660o), section 10 as amended and section 10o as added by 1998 PA 308.

(For text of amendments, see Senate Journal No. 55, p. 1162.)

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. 497

Yeas—27

Bullard	Gougeon	McManus	Smith, V.
Byrum	Hammerstrom	Murphy	Steil
Cherry	Hart	North	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter
Dingell	Johnson	Schuetten	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emerson	Leland	Sikkema	

Nays—10

Bennett	Gast	McCotter	Peters
DeBeaussiaert	Goschka	Miller	Shugars
Emmons	Jaye		

Excused—0

Not Voting—1

Smith, A.

In The Chair: President

Senator Rogers moved that the bill be given immediate effect.

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

Roll Call No. 498

Yeas—28

Bennett	Gast	McCotter	Sikkema
Bullard	Gougeon	McManus	Smith, V.
Byrum	Hammerstrom	North	Steil
Cherry	Hart	Rogers	Stille
DeGrow	Hoffman	Schuetten	Van Regenmorter
Dingell	Johnson	Schwarz	Vaughn
Emerson	Koivisto	Shugars	Young

Nays—10

DeBeaussiaert	Goschka	Miller	Peters
Dunaskiss	Jaye	Murphy	Smith, A.
Emmons	Leland		

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title, as amended.

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

Protests

Senators Emmons, McCotter, Shugars and Jaye, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House amendments to Senate Bill No. 1274.

Senator Emmons' statement, in which Senators McCotter and Shugars concurred, is as follows:

I voted "no" on this bill because I think it's critical that we look at a unit of government like the townships that are providing many services, often putting a great deal of money into their roads and transportation systems, with no help from the gas tax. I think that's unfair to the people who live in those communities that they can't share in that when their own property tax dollars and their revenue sharing dollars have to be used on roads, and there is no gas money to help them.

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

The motion prevailed.

Senator Jaye’s statement is as follows:

Public Act 51 of 1951 provides for the distribution of the gas tax and vehicle registration money to local units of government, except for townships. I applaud the Senator who just spoke for the hours and hours and hours of time and effort and outreach that he and the other committee members put in. However, we have an inequity in Michigan where townships do not receive the share of the gas tax like villages and cities. We have villages of less than 500 that receive their share of the gas taxes. There are two villages in Michigan, Lake Angelus in Oakland County and Barton Village in Washtenaw County, that don’t have any public roads. They’re all private roads, and they receive some of the gas tax money directly. But we have townships in Macomb County, like my hometown, Shelby Township, over 65,000 in population—they don’t receive a penny directly. In fact, the county road commissions which have received the money on their behalf are requiring the townships to come up with even more money as a match.

The amendment that we drafted that would allow townships to receive their share of the money was narrowly crafted, was only \$20,000 or higher, and it prohibited these townships from establishing a road bureaucracy. In this bill, that element, the policy issue, was taken out by the House. So for that reason, I’m rising to suggest that we reject the conference report and to make sure that we have an opportunity, then, to work on this between now and June 20 when we return to restore the right of one person-one dollar for the townships for their road money. I’d recommend a “no” vote.

Senate Bill No. 1209, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 102, 224, 240, and 2213 (MCL 500.102, 500.224, 500.240, and 500.2213), section 224 as amended by 1998 PA 121, section 240 as amended by 1987 PA 261, and section 2213 as added by 1996 PA 517, and by adding chapter 35; and to repeal acts and parts of acts.

(For text of amendments, see Senate Journal No. 55, p. 1163.)

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. 499

Yeas—1

Jaye

Nays—36

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

Excused—0

Not Voting—1

Emerson

In The Chair: President

Senate Bill No. 1211, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20106, 20124, 20161, and 22205 (MCL 333.20106, 333.20124, 333.20161, and 333.22205), sections 20106 and 20161 as amended by 1996 PA 267 and section 22205 as amended by 1993 PA 88.

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. 1191, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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

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

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

The Senate agreed to the full title.

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

House Bill No. 4238, entitled

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 27 of chapter IX (MCL 769.27) and by adding section 1g to chapter IX.

The House of Representatives has amended the Senate substitute (S-4) as follows:

1. Amend page 3, line 3, after "SENTENCE" by inserting "ON THE ISSUE OF WHETHER THE SENTENCE IS TO RUN CONSECUTIVELY TO OR CONCURRENT WITH ANY OTHER SENTENCE THE DEFENDANT IS OR WILL BE SERVING".

2. Amend page 4, line 20, by striking out "THE" and inserting "Except as otherwise provided in subsection (5), the".

3. Amend page 4, line 21, after "conviction" by inserting "OF A MISDEMEANOR OFFENSE IF EITHER OF THE FOLLOWING APPLIES:

(A) THE CONVICTION IS".

4. Amend page 5, line 7, by inserting:

"(b) A sentence of imprisonment is not imposed, except as an alternative sentence, and any fine and costs ordered total less than \$100.00."

The House of Representatives has concurred in the Senate substitute (S-4) as amended and agreed to 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 House amendments made to the Senate substitute,

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

Roll Call No. 500**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Senate Bill No. 1197, entitled

A bill to amend 1981 PA 118, entitled “An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts,” by amending sections 4 and 14 (MCL 445.1564 and 445.1574), section 14 as amended by 1998 PA 456.

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

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

A bill to amend 1981 PA 118, entitled “An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts,” by amending section 14 (MCL 445.1574), as amended by 1998 PA 456.

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 501**Yeas—38**

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

Nays—0**Excused—0****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.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 938, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 111a and 111b (MCL 400.111a and 400.111b), section 111a as amended by 1986 PA 227 and section 111b as amended by 1994 PA 74, and by adding section 111i.

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.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 502**Yeas—38**

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

Nays—0**Excused—0****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.
 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. 664, entitled

A bill to amend 1975 PA 148, entitled “Debt management act,” by amending sections 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 22 (MCL 451.412, 451.413, 451.414, 451.415, 451.416, 451.418, 451.421, 451.422, 451.423, 451.424, 451.425, 451.426, 451.427, 451.428, 451.429, and 451.432).

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,

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

Roll Call No. 503

Yeas—38

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

Nays—0

Excused—0

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.
 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. 1251, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 3, 4, 6, 7, and 10 (MCL 125.2683, 125.2684, 125.2686, 125.2687, and 125.2690), section 3 as amended by 1999 PA 98 and sections 4, 6, and 10 as amended by 1999 PA 139, and by adding sections 8c and 12a.

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

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

A bill to amend 1996 PA 376, entitled “An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials,” by amending sections 3, 4, 6, 7, 8a, and 10 (MCL 125.2683, 125.2684, 125.2686, 125.2687, 125.2688a, and 125.2690), section 3 as amended by 1999 PA 98, sections 4, 6, and 10 as amended by 1999 PA 139, and section 8a as added by 1999 PA 98, and by adding section 8c.

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 504

Yeas—36

Bennett	Emmons	Leland	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	Johnson	Rogers	Vaughn
Emerson	Koivisto	Schuette	Young

Nays—1

Jaye

Excused—0

Not Voting—1

Smith, V.

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.

The Senate agreed to the title as amended.

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

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

The motion prevailed.

Senator V. Smith entered the Senate Chamber.

Senate Bill No. 964, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal years ending September 30, 2000 and September 30, 2001; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; to provide for disposition of fees and other income received by the various state agencies; and to repeal acts and parts of acts.

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

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

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

Senator Gougeon moved that the rule be suspended.

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

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

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

Roll Call No. 505**Yeas—13**

Byrum
Cherry
DeBeaussaert
Dingell

Hart
Koivisto
Leland

Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn

Nays—23

Bennett
Bullard
DeGrow
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Jaye
Johnson

McCotter
McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—0**Not Voting—2**

Hoffman

Young

In The Chair: President

Protests

Senators Gougeon and Shugars, under their constitutional right of protest (Art. 4, Sec. 18), protested concurring in House substitute to Senate Bill No. 964.

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

The motion prevailed.

Senator Gougeon’s statement, in which Senator Shugars concurred, is as follows:

This is the Department of Community Health budget. The House put somewhere in the neighborhood of 100 amendments on it and spent an additional amount of money in the neighborhood of \$400 million more than we had targeted. I would urge the body to nonconcur and send it to conference.

Senator Shugars' statement is as follows:

I'd also like to add that if you did vote for that bill, it would eliminate the tax cuts that we've done for the income tax. I, for one, don't want to rescind the tax cuts that we gave to come up with 400 million new dollars. It would seem like I'd want to increase taxes, so I voted "no."

House Bill No. 5270, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130a, 80130c, 80315c, 81114c, and 82156c (MCL 324.80130a, 324.80130c, 324.80315c, 324.81114c, and 324.82156c), as added by 1997 PA 102, and by adding section 80108.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 15, line 17, after "effect" by striking out "June 1, 2000" and inserting "January 1, 2001".

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the full title.

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

Senator Bullard 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 substitute,

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

Roll Call No. 506

Yeas—37

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
Dingell	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuetten	Vaughn
Emerson	Leland	Schwarz	Young
Emmons			

Nays—0

Excused—0

Not Voting—1

Hoffman

In The Chair: President

House Bill No. 5230, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations," by amending section 10 (MCL 28.300), as added by 1997 PA 99.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 5, line 4, after "effect" by striking out "June 1, 2000" and inserting "January 1, 2001".

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to 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 House amendment made to the Senate substitute,

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

Roll Call No. 507**Yeas—36**

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

Nays—0**Excused—0****Not Voting—2**

Hoffman	Sikkema
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In The Chair: President

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

Senator Rogers moved to reconsider the vote by which the House amendments to the following bill were not concurred in:

Senate Bill No. 1209, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 102, 224, 240, and 2213 (MCL 500.102, 500.224, 500.240, and 500.2213), section 224 as amended by 1998 PA 121, section 240 as amended by 1987 PA 261, and section 2213 as added by 1996 PA 517, and by adding chapter 35; and to repeal acts and parts of acts.

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 voting therefor, as follows:

Roll Call No. 508**Yeas—22**

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

Nays—14

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

Excused—2

Hoffman

Sikkema

Not Voting—0

In The Chair: President

The question being on concurring in the amendments made to the bill by the House, Senator Rogers moved that further consideration of the bill be postponed temporarily. The motion prevailed.

House Bill No. 5227, entitled

A bill to amend 1949 PA 300, entitled “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,” by amending section 232 (MCL 257.232), as amended by 1997 PA 101.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 5, line 1, after “effect” by striking out “June 1, 2000” and inserting “January 1, 2001”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to 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.

Senator Hoffman entered the Senate Chamber.

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

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

Roll Call No. 509**Yeas—37**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette

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

Nays—0

Excused—1

Sikkema

Not Voting—0

In The Chair: President

Senate Bill No. 709, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 1996 PA 476.

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

The House of Representatives has passed the bill as substituted (H-4) and pursuant to Joint Rule 20, inserted the full title.

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 510

Yeas—37

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

Nays—0

Excused—1

Sikkema

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.

The Senate agreed to the full title.

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

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

The motion prevailed.

Senator Jaye's statement is as follows:

I am going to vote for this legislation, Mr. Governor and Senate colleagues, but I sincerely hope that we're going to provide this property tax protection for all family-owned businesses, not just agriculture property. As this bill was originally introduced, the sponsor exempted all family-owned businesses, whether they were agriculture, a little restaurant, a little hardware store, or a little florist, from a pop-up if they sell it to a family member.

The bill has changed and says that any agriculture property sold to another agriculture concern has a continuation of the cap on property taxes. That means that the large agricultural concerns—the big chicken farms, the big pig farms, and the large cattle farms—are going to have this property tax protection.

I asked the economists at the Senate Fiscal Agency how much would it cost to have the pop-up protection for a family-owned business if they sell to a family member—a granddaughter or a grandson or a niece or nephew or a brother or sister—it's only \$1.8 million. I asked how much if a homestead is sold to a family member? If a grandparent sells to a granddaughter or a niece or nephew or a parent to a daughter—only \$5.9 million.

These protections should be extended to all family-run businesses, maybe with the exception of the folks who own the big sports arenas, but to all family-run businesses, particularly these little family businesses that are struggling like a little grocery store that's struggling against a Meijer Thrifty Acres that's opening up a mile away nearby my house or a little hardware store that's trying to compete with the major chains or a little restaurant that's trying to compete with the big boys.

So I'm going to support this legislation even though it might have unintended consequences of giving the corporate farms a tax incentive to gobble up the adjacent family farms. But since we're setting the precedent, and we don't have to amend the Constitution to do it, I hope that the same protections on a pop-up tax will be extended to the little businesses and the homeowners so that they, who produce clothing that we need to survive, cars that we need to survive, shelter and all the other essentials of life, in addition to food—a pharmacist trying to compete against a major pharmacy—these family-owned businesses also get a tax break.

So this is a tremendous piece of legislation. I compliment the sponsor and the supporters of it, and I hope that they will just as enthusiastically support a cap on property taxes on family-owned businesses or a homestead sold to a family member in the near future when we return this fall.

Senator Sikkema entered the Senate Chamber.

Senate Bill No. 373

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1, 5, 11, 12, 13, 14, 15, 16a, 16b, 16c, 16d, 16e, 16f, 16g, 16h, 16i, 16j, 16k, 16l, 16m, 16n, 16o, 16p, 16q, 16r, 16s, 16t, 16u, 16v, 16w, 16x, 16y, 16z, 17, 18, 19, 21, 35, 36, 43, 47, 48, 54, and 55 of chapter XVII (MCL 777.1, 777.5, 777.11, 777.12, 777.13, 777.14, 777.15, 777.16a, 777.16b, 777.16c, 777.16d, 777.16e, 777.16f, 777.16g, 777.16h, 777.16i, 777.16j, 777.16k, 777.16l, 777.16m, 777.16n, 777.16o, 777.16p, 777.16q, 777.16r, 777.16s, 777.16t, 777.16u, 777.16v, 777.16w, 777.16x, 777.16y, 777.16z, 777.17, 777.18, 777.19, 777.21, 777.35, 777.36, 777.43, 777.47, 777.48, 777.54, and 777.55), sections 1, 5, 12, 14, 15, 16a, 16b, 16c, 16e, 16h, 16i, 16j, 16k, 16l, 16m, 16n, 16o, 16p, 16q, 16r, 16s, 16t, 16u, 16v, 16w, 16x, 16y, 18, 19, 21, 35, 36, 43, 47, 48, 54, and 55 as added by 1998 PA 317, section 11 as amended by 1999 PA 90, section 13 as amended by 1999 PA 61, section 16d as amended by 1999 PA 192, section 16f as amended by 1999 PA 45, section 16g as amended by 1999 PA 39, section 16l as amended by 1999 PA 168, section 16z as amended by 1999 PA 186, and section 17 as amended by 1999 PA 67; and to repeal acts and parts of acts.

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

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

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation

officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 34 of chapter IX, section 14 of chapter XI, and sections 1, 11, 12, 13, 14, 15, 16a, 16b, 16c, 16d, 16f, 16g, 16h, 16i, 16k, 16l, 16m, 16o, 16p, 16r, 16s, 16t, 16u, 16v, 16w, 16x, 16y, 16z, 17, 18, 19, 21, 22, 33, 35, 43, 48, 54, and 55 of chapter XVII (MCL 769.34, 771.14, 777.1, 777.11, 777.12, 777.13, 777.14, 777.15, 777.16a, 777.16b, 777.16c, 777.16d, 777.16f, 777.16g, 777.16h, 777.16i, 777.16k, 777.16l, 777.16m, 777.16o, 777.16p, 777.16r, 777.16s, 777.16t, 777.16u, 777.16v, 777.16w, 777.16x, 777.16y, 777.16z, 777.17, 777.18, 777.19, 777.21, 777.22, 777.33, 777.35, 777.43, 777.48, 777.54, and 777.55), section 34 of chapter IX as amended by 1999 PA 227, section 14 of chapter XI as amended and sections 1, 12, 14, 15, 16a, 16b, 16c, 16h, 16i, 16k, 16m, 16o, 16p, 16r, 16s, 16t, 16u, 16v, 16w, 16x, 16y, 18, 19, 21, 22, 33, 35, 54, and 55 of chapter XVII as added by 1998 PA 317, section 11 of chapter XVII as amended by 1999 PA 90, section 13 of chapter XVII as amended by 1999 PA 61, section 16d of chapter XVII as amended by 1999 PA 192, section 16f of chapter XVII as amended by 1999 PA 45, section 16g of chapter XVII as amended by 1999 PA 39, section 16l of chapter XVII as amended by 1999 PA 168, section 16z of chapter XVII as amended by 1999 PA 186, section 17 of chapter XVII as amended by 1999 PA 67, and sections 43 and 48 of chapter XVII as amended by 1999 PA 227.

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

Senator Van Regenmorter moved that the rule be suspended.

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

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

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

Roll Call No. 511

Yeas—38

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

Nays—0

Excused—0

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.

The Senate agreed to the title as amended.

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

Senator Rogers moved that the enrollment be vacated on the following bill:

Senate Bill No. 965, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The motion prevailed.

The House of Representatives requested the return of

Senate Bill No. 965, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

Senator Rogers moved that the request of the House be granted.

The motion prevailed.

House Bill No. 5276, entitled

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

The House of Representatives has appointed Rep. Cherry to replace Rep. Tesanovich as conferee.

The message was referred to the Secretary for record.

Senate Bill No. 1246, entitled

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

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

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 512

Yeas—38

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

Nays—0

Excused—0

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

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

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

House Bill No. 5766, entitled

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

The above bill was read a third time.

The question being on the passage of the bill,

Senator Jaye offered the following amendments:

1. Amend page 28, line 10, after “FOR” by striking out “REASONABLE” and inserting “FAIR MARKET VALUE”.
2. Amend page 28, line 13, after “LOCATED” by inserting “BASED ON A FAIR MARKET VALUE APPRAISAL FROM A FEE APPRAISER”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Jaye moved to reconsider the vote by which the amendments were not adopted.

The motion prevailed.

The question being on the adoption of the amendments,

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. 513

Yeas—38

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

Nays—0

Excused—0

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 A. Smith offered to amend the title as follows:

A bill to amend 1986 PA 281, entitled "An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing," by amending the title and sections 2, 3, 4, 10, and 12 (MCL 125.2152, 125.2153, 125.2154, 125.2160, and 125.2162), the title and sections 4, 10, and 12 as amended by 1993 PA 333, and section 2 as amended by 1998 PA 92, section 3 as added by 1986 PA 281, and by adding section 12a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 5624, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 629e, 674, 675a, 675b, 675c, 675d, and 742 (MCL 257.629e, 257.674, 257.675a, 257.675b, 257.675c, 257.675d, and 257.742), section 629e as amended by 1991 PA 163, section 674 as amended by 2000 PA 76, sections 675a and 675b as amended and section 675c as added by 1980 PA 518, section 675d as amended by 1992 PA 230, and section 742 as amended by 1998 PA 68.

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 8, line 17, after "AGREEMENT" by inserting "OR AN EXPEDITED RENTAL AGREEMENT WITHOUT SIGNATURE AS PART OF A MASTER RENTAL AGREEMENT".

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 5813, entitled

A bill to amend 1954 PA 99, entitled "An act authorizing the international bridge authority of Michigan, created by Act No. 237 of the Public Acts of 1935, as amended, being sections 254.201 to 254.216, inclusive, of the Compiled Laws of 1948, to construct, maintain, repair and operate a bridge or tunnel project from the Upper Peninsula of Michigan to the province of Ontario, Canada, and providing for the acquisition and operation of the existing ferry system and buses in connection with such project; defining the powers and duties of the authority; granting to the authority power to acquire necessary real and personal property and to exercise the power of condemnation; providing for financing such project by the issuance of revenue bonds of the authority, payable solely from tolls and other revenues; providing that no debt of the state shall be incurred in the exercise of any such powers; providing for the collection of tolls and other revenues to pay such bonds and the interest thereon and the cost of maintenance, repair and operation of such project; exempting from taxes and assessments such project and such bonds and the income therefrom; authorizing the issuance of revenue refunding bonds; prescribing the rights and remedies of the holders of bonds issued under the provisions of this act; making an appropriation; and repealing certain acts and parts of acts," by amending the title and sections 1, 3, 4, 7, and 16 (MCL 254.221, 254.223, 254.224, 254.227, and 254.236), section 2 as amended by 1994 PA 44, and by adding section 3a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 9, line 2, after "ASSETS," by striking out the balance of the subsection and inserting "FROM EXPLORING OPPORTUNITIES TO CREATE EFFICIENCIES, OR FROM STUDYING PROPOSALS THAT MAY MAXIMIZE THE VALUE OF ASSETS ASSOCIATED WITH THE BRIDGE PROJECT AND BE IN THE BEST INTEREST OF THE PEOPLE OF THE STATE OF MICHIGAN.".

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

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

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. 514**Yeas—36**

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

Nays—1

Jaye

Excused—0**Not Voting—1**

McManus

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:

Senate Bill No. 1276, entitled

A bill to provide for the establishment of recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials.

The question being on the passage of the bill,

Senator Jaye offered the following amendments:

1. Amend page 7, line 23, after “or” by striking out “special” and inserting “primary”.
2. Amend page 8, line 8, after the first “election,” by striking out the balance of the sentence through “election” on line 10.
3. Amend page 8, line 11, by striking out all of subsection (3) and renumbering the remaining subsections.
4. Amend page 9, line 18, by striking out all of subsection (4).

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

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

Senator Young entered the Senate Chamber.

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. 515**Yeas—34**

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

Nays—1

McCotter

Excused—0**Not Voting—3**

Bullard	Goschka	Schuette
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In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5222, entitled

A bill to amend 1998 PA 363, entitled “An act to authorize the state administrative board to convey certain state owned property in Ingham county; to authorize the department of natural resources to convey certain parcels of state owned property in Roscommon county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to certain property; and to provide for disposition of the revenue derived from the conveyance,” by amending the title and sections 2 and 3 and by adding section 15.

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. 516**Yeas—37**

Bennett	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith, A.
DeBeaussaert	Hart	Murphy	Smith, V.
DeGrow	Hoffman	North	Steil

Dingell
Dunaskiss
Emerson
Emmons
Gast

Jaye
Johnson
Koivisto
Leland

Peters
Rogers
Schuette
Schwarz

Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Bullard

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. 5543, entitled

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

The 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. 517

Yeas—37

Bennett
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
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—0

Not Voting—1

Bullard

In The Chair: Schwarz

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

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 certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,".

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 805, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act," by amending section 1 (MCL 388.851) and by adding section 1b.

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. 518

Yeas—36

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

Nays—1

DeGrow

Excused—1

Young

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. 1273, entitled

A bill to define organic agriculture and products; to provide for the establishment of standards relative to organic products, producers and handlers of organic products, and other persons; to provide for designation of certain entities as certifying agents; to provide for registration of certain persons; to create certain funds and provide for their disposition; to create certain advisory committees; to provide for certain powers and duties of certain state agencies; and to provide for penalties and remedies.

The question being on the passage of the bill,

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

Roll Call No. 519

Yeas—36

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

Nays—1

Jaye

Excused—1

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5767, entitled

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

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. 520

Yeas—36

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema

Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson

Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Miller
Murphy
North
Peters
Rogers
Schuette

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

Nays—1

Jaye

Excused—1

Young

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. 5572, entitled

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

The question being on the passage of the bill,

Senator A. Smith offered the following amendment:

1. Amend page 2, line 20, after “ORGANIZATIONS.” by inserting “THE COMMISSIONER SHALL PROMOTE AND PUBLICIZE TO THE GENERAL PUBLIC THE EXISTENCE OF THE ANNUAL CONSUMER GUIDE.”.

The question being on the adoption of the amendment,

Senator Shugars moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senator Byrum offered the following amendment:

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

“CHAPTER 3.

MANAGED CARE OMBUDSMAN.

SEC. 301. AS USED IN THIS CHAPTER:

(A) “CONSUMER” MEANS A RESIDENT OF THIS STATE WHO IS UNDER MANAGED CARE.

(B) “MANAGED CARE PLAN” MEANS A HEALTH PLAN OFFERED BY A HEALTH MAINTENANCE ORGANIZATION OR A POLICY, CERTIFICATE, OR CONTRACT OFFERED BY A HEALTH INSURER OR HEALTH CARE CORPORATION UNDER WHICH COVERED INDIVIDUALS ELECT TO OBTAIN HEALTH CARE SERVICES FROM HEALTH CARE PROVIDERS WHO HAVE ENTERED INTO PRUDENT PURCHASER AGREEMENTS.

(C) “OMBUDSMAN” MEANS THE MANAGED CARE OMBUDSMAN.

SEC. 303. (1) THE MANAGED CARE OMBUDSMAN’S OFFICE IS CREATED AS AN INDEPENDENT OFFICE WITHIN THE INSURANCE BUREAU OF THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(2) THE PRINCIPAL EXECUTIVE OFFICER OF THE OFFICE IS THE MANAGED CARE OMBUDSMAN.

SEC. 305. THE OMBUDSMAN SHALL DO ALL OF THE FOLLOWING:

- (A) ADVISE THE LEGISLATURE ON ISSUES REGARDING MANAGED CARE.
- (B) REVIEW AND COMMENT ON MANAGED CARE ISSUES INVOLVING THE INSURANCE BUREAU.
- (C) RESEARCH AND INVESTIGATE MATTERS THAT AFFECT THE QUALITY, DELIVERY, COSTS, MANAGEMENT, AND OPERATION OF MANAGED CARE AS IT AFFECTS CONSUMERS.
- (D) PROVIDE TECHNICAL ASSISTANCE AND ACT AS A RESOURCE TO CONSUMERS REGARDING MANAGED CARE INCLUDING ALL OF THE FOLLOWING:
 - (i) EDUCATING CONSUMERS ABOUT THEIR RIGHTS AND RESPONSIBILITIES.
 - (ii) ASSISTING CONSUMERS WITH FILING GRIEVANCES AND APPEALS OF MANAGED CARE PLAN DETERMINATIONS.
 - (iii) DISSEMINATING INFORMATION AND REPORTS CONCERNING MANAGED CARE PLANS AND ISSUES.
- (E) ESTABLISH A STATEWIDE TOLL-FREE TELEPHONE LINE TO GIVE STATE RESIDENTS ACCESS TO THE OMBUDSMAN'S OFFICE.

SEC. 307. (1) CORRESPONDENCE BETWEEN THE OMBUDSMAN AND A CONSUMER IS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(2) THE OMBUDSMAN SHALL MAINTAIN CONFIDENTIALITY WITH RESPECT TO ALL MATTERS AND THE IDENTITIES OF COMPLAINANTS OR PERSONS FROM WHOM INFORMATION IS ACQUIRED, EXCEPT TO THE EXTENT DISCLOSURE IS NECESSARY TO ENABLE THE OMBUDSMAN TO PERFORM THE DUTIES OF THE OFFICE OR TO SUPPORT RECOMMENDATIONS RESULTING FROM AN INVESTIGATION.

SEC. 309. THE OMBUDSMAN SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT ON THE ACTIONS OF THE OFFICE, ON ISSUES AND MATTERS UNDER SECTION 305(A), (B), AND (C), AND ON THE NEED FOR ANY SUGGESTED LEGISLATIVE ACTION.”.

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

By unanimous consent the Senate returned to consideration of the amendment offered by Senator A. Smith.

The question being on the adoption of the amendment,

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

Senator Young entered the Senate Chamber.

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. 521

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—0

Not Voting—1

Smith, V.

In The Chair: Schwarz

Senator Rogers moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

Senator Peters moved that Senator V. Smith 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:

Senate Bill No. 1301, entitled

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

The question being on the passage of the bill,

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

Roll Call No. 522

Yeas—17

Bennett
DeGrow
Dunaskiss
Emmons
Gast

Gougeon
Hammerstrom
Hart
Hoffman

Johnson
McManus
North
Schuette

Schwarz
Shugars
Sikkema
Stille

Nays—19

Byrum
Cherry
DeBeaussiaert
Dingell
Emerson

Goschka
Jaye
Koivisto
McCotter
Miller

Murphy
Peters
Rogers
Smith, A.
Smith, V.

Steil
Van Regenmorter
Vaughn
Young

Excused—0

Not Voting—2

Bullard

Leland

In The Chair: Schwarz

Senator Rogers moved to reconsider the vote by which the bill was defeated.
The question being on the motion to reconsider,
Senator Rogers moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

The following bill was read a third time:

House Bill No. 5573, entitled

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

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendments:

1. Amend page 2, line 7, after “than” by striking out “45” and inserting “35”.
2. Amend page 2, line 11, by striking out “45-CALENDAR-DAY” and inserting “35-CALENDAR-DAY”.
3. Amend page 2, line 13, after “procedure” by inserting “AND FOR A PERIOD OF TIME THAT SHALL NOT EXCEED 10 BUSINESS DAYS IF THE HEALTH CARE CORPORATION HAS NOT RECEIVED REQUESTED INFORMATION FROM A HEALTH PROVIDER”.

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. 523

Yeas—38

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
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—0

Not Voting—0

In The Chair: Schwarz

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 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 incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5576, entitled

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

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendment:

1. Amend page 8, line 22, after “within” by striking out the balance of the line through “agreed” on line 26 and inserting “the required time and without the covered person or the covered person’s authorized representative requesting or agreeing”.

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. 524

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

Senator Rogers moved that the bill be given immediate effect.
The motion prevailed, 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. 5351, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 15 and 602.

The question being on the passage of the bill,
Senator North offered the following amendment:

1. Amend page 5, following line 16, by inserting:

"SEC. 1475. A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE BOARD MAY PROVIDE COLLEGE LEVEL COURSES OR PARTICIPATE IN OTHER ACTIVITIES UNDER THIS ACT ONLY IF ALL OF THE FOLLOWING ARE IN EFFECT:

(A) THE MEMBERS OF THE BOARD OF THE FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE EXECUTE THE CONSTITUTIONAL OATH OF OFFICE AS A PUBLIC OFFICER OF THE STATE OF MICHIGAN.

(B) THE MEMBERS OF THE BOARD OF THE FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE CERTIFY TO THE STATE DEPARTMENT OF EDUCATION THAT THE MEMBERS WILL ACT AS A PUBLIC EDUCATIONAL BODY OR OFFICER OF THIS STATE SUBJECT ONLY TO THE CONSTITUTION AND LAWS OF THIS STATE IN EXERCISING THE POWERS OR CARRYING OUT THE FUNCTIONS AND THAT THEIR FUNCTIONS ARE UNDER THE EXCLUSIVE CONTROL OF THE STATE.

(C) A MEMBER OF THE BOARD OF THE FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE ACTING AS A PUBLIC OFFICER UNDER THIS SECTION SHALL BE SUBJECT TO REMOVAL OR SUSPENSION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR VIOLATING THE PROVISIONS OF THIS SECTION.

(D) THIS SECTION DOES NOT AUTHORIZE THE USE OF ANY FUNDS APPROPRIATED FOR A COMMUNITY COLLEGE DISTRICT ESTABLISHED UNDER THE COMMUNITY COLLEGE ACT, 1966 PA 331, MCL 389.11 TO 389.84."

The question being on the adoption of the amendment,
Senator Rogers moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

The following bill was read a third time:

House Bill No. 5670, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48726 (MCL 324.48726), as added by 1995 PA 57.

The question being on the passage of the bill,
Senator Jaye offered the following amendment:

1. Amend page 1, line 8, after "ORDERS" by striking out "PRESCRIBING" and inserting "INCREASING".
The amendment was adopted, a majority of the members serving voting therefor.

Senator Jaye offered the following amendment:

1. Amend page 2, line 3, after "WATERS." by inserting "THE DEPARTMENT SHALL HAVE THE AUTHORITY TO DECREASE THE NUMBER OF RODS PER ANGLER. HOWEVER, THE DEPARTMENT SHALL NOT REDUCE THE NUMBER OF RODS PER ANGLER TO LESS THAN 2."

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. 525

Yeas—38

Bennett
Bullard
Byrum

Gast
Goschka
Gougeon

McCotter
McManus
Miller

Shugars
Sikkema
Smith, A.

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

Nays—0

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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4260, entitled

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

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. 526

Yeas—38

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

Nays—0

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.

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. 5017, entitled

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

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. 527

Yeas—37

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

Nays—1

Jaye

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.

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. 5322, entitled

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

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. 528

Yeas—38

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

Nays—0

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.

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.

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

Senate Bill No. 1280, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 36103 and 36111 (MCL 324.36103 and 324.36111), section 36103 as amended by 1996 PA 233 and section 36111 as amended by 1996 PA 567.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 529

Yeas—37

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

Nays—1

Jaye

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 943, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1310a and 1311a (MCL 380.1310a and 380.1311a), section 1310a as added by 1999 PA 102 and section 1311a as added by 1999 PA 104.

(This bill was read a third time on May 18, amendments adopted, and consideration postponed. See Senate Journal No. 47, p. 806.)

Senator Rogers moved to reconsider the vote by which the amendments offered by Senator Jaye were adopted.

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

The question being on the adoption of the amendments,

Senator Jaye withdrew the amendments.

Senator Jaye offered the following amendments:

1. Amend page 3, line 3, after “(3)” by inserting “EACH SCHOOL BUILDING SHALL COLLECT AND KEEP CURRENT ON A WEEKLY BASIS THE INFORMATION REQUIRED FOR THE REPORT UNDER SUBSECTION (2) AND MUST PROVIDE THAT INFORMATION, WITHIN 1 SCHOOL DAY, UPON REQUEST.”.

2. Amend page 3, line 4, after “copy” by inserting “DISAGGREGATED, BY SCHOOL BUILDING,”.

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. 530**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 5570

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 returned to consideration of the following bill:

House Bill No. 5624, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 629e, 674, 675a, 675b, 675c, 675d, and 742 (MCL 257.629e, 257.674, 257.675a, 257.675b, 257.675c, 257.675d, and 257.742), section 629e as amended by 1991 PA 163, section 674 as amended by 2000 PA 76, sections 675a and 675b as amended and section 675c as added by 1980 PA 518, section 675d as amended by 1992 PA 230, and section 742 as amended by 1998 PA 68.

(This bill was read a third time earlier today, amendment offered, and consideration postponed. See p. 1197.)

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

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

Senator Leland offered the following amendment:

1. Amend page 10, line 18, after "COURT" by inserting "OR PARKING VIOLATIONS BUREAU".

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

Senator Leland offered the following amendment:

1. Amend page 9, line 4, after "COURT" by inserting "OR PARKING VIOLATIONS BUREAU".

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. 531**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—0****Not Voting—1**

Emerson

In The Chair: Schwarz

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

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 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.

Senator Emerson entered the Senate Chamber.

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

House Bill No. 5351, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding sections 15 and 602.

(This bill was read a third time earlier today, amendment offered, and consideration postponed. See p. 1208.)

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

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. 532**Yeas—37**

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
Dingell	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuetten	Vaughn
Emerson	Leland	Schwarz	Young
Emmons			

Nays—0**Excused—0****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 North offered to amend the title as follows:

A bill to amend 1976 PA 451, entitled “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,” (MCL 380.1 to 380.1852) by adding sections 15, 602, and 1475.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

House Bill No. 5570, entitled

A bill to amend 1984 PA 44, entitled “Motor fuels quality act,” by amending section 3 (MCL 290.643), as amended by 1993 PA 231.

The above bill was read a third time.

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

1. Amend page 3, line 11, after “BEGINNING” by striking out “JANUARY” and inserting “JUNE”.
2. Amend page 3, line 13, after the first “STATE.” by striking out “THE DIRECTOR SHALL REQUIRE NOTIFICATION TO THE DEPARTMENT OF WHICH ADDITIVE OR ADDITIVES ARE USED TO REPLACE MTBE.”.
3. Amend page 3, line 13, after the second “STATE.” by striking out “THE DIRECTOR SHALL NOT ALLOW THE LEVEL OF BENZENE IN GASOLINE TO INCREASE AS A REPLACEMENT FOR MTBE.”.

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

Senator McManus offered the following amendment:

1. Amend page 3, line 22, after “THE” by striking out “JANUARY 1” and inserting “JUNE 1”.

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. 533

Yeas—37

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

Nays—1

Van Regenmorter

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.

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

“An act to provide purity and quality standards for motor fuels; to regulate the transfer, sale, dispensing, or offering motor fuels for sale; to provide for an inspection and testing program; to provide for the powers and duties of certain state agencies; to provide for the licensing of certain persons engaged in the transfer, sale, dispensing, or offering of motor fuels for sale; to regulate stage I and stage II vapor-recovery systems at certain facilities; to provide for fees; and to provide remedies and prescribe penalties.”.

The Senate agreed to the full title.

Protest

Senator Van Regenmorter, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5570.

Senator Van Regenmorter’s statement is as follows:

I voted against House Bill No. 5570 because it requires the director of the Department of Agriculture to remove MTBE from gasoline. There is a question environmentally about MTBE, but even the EPA has given the state until 2004 to deal with it. We are at a time when the gasoline prices are at an all-time high. There is some conjecture backed by some fact that requiring now—today—the removal of MTBE will add to the cost of gasoline.

This is a period of time when people of modest means are having difficulty affording gas even to get to work. I think it would have been wiser to have waited for a few months until the gas price issue is sorted out. As of yesterday, gas was selling on average at \$1.88 per gallon in this area with people saying they couldn’t buy enough gas to afford to get to work. That’s why I voted “no.”

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

The motion prevailed.

Senator Rogers' statement is as follows:

I think this bill is extremely important in light of very recent events in Jackson County with the spilling of that gasoline. MTBE is an additive to gasoline as an oxygenator, and what we have found is in our rush to help our air quality, we have severely threatened our ground water with this additive. We know that once it's in, it just does not come out.

I appreciate the chairman's working with it. I do have a bill to do the same thing. This is important. I mean, this is extremely important, and what it does is it nudges petroleum companies to accelerate their removal of MTBE from gasoline, and more importantly, a lot of states are taking this out. Michigan is one of the last few that has this still allowed in its gasoline. We will become the last place to purchase that gasoline from all over the country and all over the world that has the additive in it. We don't want to be the state that takes care of all the MTBE gasoline in the United States. We are the Great Lakes State. This is a very important step in protecting our water, both underground and our surface water as well. I'd urge the body's quick and certain passage.

Senator Shugars' statement is as follows:

I just want to acknowledge one of our Senate employees, information technician Cathy Stewart. Cathy Stewart was able to complete the San Diego Rock 'n Roll Marathon this last week, and I think we should all give her applause for surviving that 26.2-mile race.

Cathy Stewart—a job well done and congratulations!

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

Senate Bill No. 1301, entitled

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

(This bill was defeated earlier today and the motion to reconsider the vote postponed. See p. 1205.)

The question being on the motion to reconsider the vote by which the bill was defeated,

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. 534

Yeas—22

Bennett	Gast	McManus	Shugars
Bullard	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Schuette	Stille
Emerson	Johnson	Schwarz	Van Regenmorter
Emmons	Leland		

Nays—15

Byrum	Goschka	Murphy	Smith, V.
Cherry	Jaye	Peters	Vaughn
DeBeaussaert	Koivisto	Rogers	Young
Dingell	McCotter	Smith, A.	

Excused—0

Not Voting—1

Hart

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 628, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40102 (MCL 324.40102), as amended by 1999 PA 66, and by adding section 40115a.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 535

Yeas—22

Bennett
Bullard
Cherry
Dingell
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye

Johnson
Leland
McCotter
McManus
Miller

North
Schwarz
Shugars
Vaughn
Young

Nays—16

Byrum
DeBeaussaert
DeGrow
Dunaskiss

Gast
Koivisto
Murphy
Peters

Rogers
Schuette
Sikkema
Smith, A.

Smith, V.
Steil
Stille
Van Regenmorter

Excused—0

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 Steil as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5740, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1233 (MCL 380.1233), as amended by 1995 PA 289.

House Bill No. 5832, entitled

A bill to amend 1961 PA 112, entitled “An act to authorize and provide for the issuance and sale of bonds and notes of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation,” by amending the title and sections 1 and 2 (MCL 388.981 and 388.982), the title and section 2 as amended by 1991 PA 64, and by adding sections 1a and 1b.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4752, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

Substitute (S-2).

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

1. Amend page 2, line 10, after "INDIVIDUAL" by striking out the balance of the subdivision and inserting "PLACING THE ORDER BY OBTAINING FROM HIM OR HER AN AFFIRMATION THAT HE OR SHE IS OF LEGAL AGE TO PURCHASE ALCOHOLIC LIQUOR. THE PERSON RECEIVING AND ACCEPTING THE ORDER SHALL RECORD THE NAME, ADDRESS, DATE OF BIRTH, AND TELEPHONE NUMBER OF THE PERSON PLACING THE ORDER ON THE ORDER FORM OR OTHER VERIFIABLE RECORD OF A TYPE AND GENERATED IN A MANNER APPROVED BY THE COMMISSION."

2. Amend page 2, line 18, by striking out "PURCHASING" and inserting "ORDERING".

3. Amend page 2, line 22, after "RECIPIENT" by inserting "AT THE TIME OF THE DELIVERY".

4. Amend page 2, line 25, after the second "THE" by striking out "PURCHASER" and inserting "INDIVIDUAL PLACING THE ORDER".

5. Amend page 3, line 7, after the first "THE" by striking out the balance of the line through "LIQUOR." on line 9 and inserting "INDIVIDUAL ACCEPTING DELIVERY IS OF LEGAL AGE AND IS EITHER THE INDIVIDUAL WHO PLACED THE ORDER OR THE DESIGNATED RECIPIENT RESIDING AT THE SAME ADDRESS OR IS OTHERWISE AUTHORIZED THROUGH A RULE PROMULGATED UNDER THIS ACT BY THE COMMISSION TO RECEIVE ALCOHOLIC LIQUOR UNDER THIS SECTION."

6. Amend page 4, line 7, after "TO" by striking out the balance of the line through "OF" on line 8.

7. Amend page 4, line 11, after "PERIOD," by striking out "THE" and inserting "NOT MORE THAN 312 OUNCES OF".

8. Amend page 4, line 13, after "(B)" by striking out "PERSONALLY" and inserting "SHIP OR".

9. Amend page 4, line 13, after "STATE" by striking out "THE".

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator McCotter moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5833

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

By unanimous consent the Senate returned to the order of

General Orders

Senator McCotter 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, Lieutenant Governor Posthumus, designated Senator Steil as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5833, entitled

A bill to amend 1961 PA 108, entitled "An act to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions of the loans and the conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the powers and duties of the superintendent of public instruction and the state treasurer in relation to such loans; to provide for the repayment of such loans; to provide incentives for repayment of such loans; to provide for other matters in respect to such loans; and to make an appropriation," by amending the title and sections 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 9b, 10, 10a, 11, and 12 (MCL 388.951, 388.952, 388.953, 388.954, 388.954a, 388.955, 388.956, 388.957, 388.958, 388.959, 388.959b, 388.960, 388.960a, 388.961, and 388.962), the title and sections 6 and 9 as amended and section 9b as added by 1991 PA 65, sections 2, 4, and 11 as amended by 1992 PA 228, section 3 as amended by 1985 PA 25, section 4a as amended by 1991 PA 22, section 5 as amended by 1983 PA 124, and section 10 as amended and section 10a as added by 1989 PA 6, and by adding sections 1a, 9c, 10b, 10c, and 11a; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 36, line 15, after "DISTRICT." by inserting "EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,".

2. Amend page 36, line 19, after "LESS." by inserting "IF FUNDS APPROPRIATED FOR PROJECT GRANTS UNDER THIS SUBSECTION REMAIN AFTER AUGUST 1 OF THE FISCAL YEAR IN WHICH THE PROJECT GRANT IS AWARDED, AN ELIGIBLE SCHOOL DISTRICT THAT RECEIVED A GRANT AWARD UNDER THIS SUBSECTION IS ELIGIBLE TO RECEIVE AN ADDITIONAL PROJECT GRANT AWARD NOT TO EXCEED 12.5% OF THE PRINCIPAL AMOUNT OF THE BOND ISSUE FINANCING THE PROJECT, LESS THE AMOUNT THE ELIGIBLE SCHOOL DISTRICT RECEIVED IN ITS ORIGINAL PROJECT GRANT UNDER THIS SUBSECTION.".

3. Amend page 39, line 5, after "SHALL" by striking out "COMPUTE A REDUCTION IN" and inserting "REDUCE".

4. Amend page 39, line 10, after "PUPIL" by inserting "OR IN WHICH AT LEAST 50% OF THE PUPILS IN MEMBERSHIP MEET THE INCOME ELIGIBILITY CRITERIA FOR FREE OR REDUCED-PRICE LUNCH UNDER THE NATIONAL SCHOOL LUNCH ACT, CHAPTER 281, 60 STAT. 230, AS DETERMINED BY THE DEPARTMENT OF EDUCATION".

5. Amend page 39, line 13, after "TO" by striking out the balance of the line through "ACT." on line 20 and inserting "50% OF THE INTEREST OTHERWISE PAYABLE, ACCRUED, OR ACCRUABLE DURING THE FISCAL YEAR ON LOANS MADE PURSUANT TO THIS ACT.".

6. Amend page 39, line 20, after "HOWEVER," by inserting "EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,".

7. Amend page 40, line 2, after "LIMITATION." by inserting "IF THE AGGREGATE AMOUNT OF THE REDUCTIONS IN ANY FISCAL YEAR DO NOT EXCEED THE AMOUNT APPROPRIATED FOR THE PURPOSES OF THIS SECTION, AN ELIGIBLE SCHOOL DISTRICT THAT RECEIVED A REDUCTION UNDER THIS SUBSECTION IS ELIGIBLE FOR A FURTHER REDUCTION UNDER THIS SUBSECTION EQUAL TO THE DIFFERENCE BETWEEN THE AGGREGATE AMOUNT OF THE REDUCTIONS AND THE AMOUNT APPROPRIATED FOR THE PURPOSES OF THIS SECTION, NOT TO EXCEED 100% OF THE INTEREST OTHERWISE PAYABLE, ACCRUED, OR ACCOUNTABLE DURING THE FISCAL YEAR ON LOANS MADE PURSUANT TO THIS ACT, LESS THE AMOUNT OF THE ORIGINAL REDUCTION THE ELIGIBLE SCHOOL DISTRICT RECEIVED UNDER THIS SUBSECTION.".

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Byrum and Young introduced

Senate Bill No. 1310, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7106, 7311, 7401, 16106, 16221, 16226, 17435, 17708, 17750a, 17751, 17763, and 17766 (MCL 333.7106, 333.7311, 333.7401, 333.16106, 333.16221, 333.16226, 333.17435, 333.17708, 333.17750a, 333.17751, 333.17763, and 333.17766), section 7311 as amended by 1993 PA 80, section 7401 as amended by 1998 PA 319, sections 16106, 17708, 17751, and 17763 as amended by 1997 PA 153, section 16221 as amended by 1998 PA 227, section 16226 as amended by 1998 PA 109, sections 17435 and 17750a as added by 1994 PA 384, and section 17766 as amended by 1990 PA 30.

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

Senators Peters, DeBeaussaert, A. Smith and Young introduced

Senate Bill No. 1311, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 35301, 63701, 63702, 63704, 63708, 63709, and 63711 (MCL 324.35301, 324.63701, 324.63702, 324.63704, 324.63708, 324.63709, and 324.63711), section 35301 as amended by 1995 PA 262 and sections 63701, 63702, 63704, 63708, 63709, and 63711 as added by 1995 PA 57.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 5802, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1310, 1310a, 1311a, and 1473 (MCL 380.1310, 380.1310a, 380.1311a, and 380.1473), sections 1310 and 1310a as added by 1999 PA 102, section 1311a as added by 1999 PA 104, and section 1473 as added by 1996 PA 159, and by adding sections 1280b, 1282a, and 1531e and part 20B.

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

The bill was read a first and second time by title.

Senator Rogers moved that rule 3.203 be suspended and that the bill be placed on the order of Third Reading of Bills on its immediate passage.

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

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 General Orders, be placed on its immediate passage:

House Bill No. 4752

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. 5802, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1310, 1310a, 1311a, and 1473 (MCL 380.1310, 380.1310a, 380.1311a, and 380.1473), sections 1310 and 1310a as added by 1999 PA 102, section 1311a as added by 1999 PA 104, and section 1473 as added by 1996 PA 159, and by adding sections 1280b, 1282a, and 1531e and part 20B.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Stille offered the following amendment:

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

"Sec. 371. As used in this part:

(a) "Chief executive officer", EXCEPT AS USED IN SUBDIVISION (B), means the chief executive officer appointed for a qualifying school district under section 374.

(b) "Mayor" means the ~~mayor~~ CHIEF EXECUTIVE OFFICER of the city, ~~in which~~ VILLAGE, OR TOWNSHIP WITH THE GREATEST POPULATION AS OF THE MOST RECENT DECENNIAL CENSUS LOCATED WITHIN THE BOUNDARIES OF a qualifying school district. ~~is located.~~

(c) "Qualifying school district" means a school district of the first class under part 6.

Sec. 372. (1) ~~Not later than 30 days after the effective date of the amendatory act that added this part~~ APRIL 25, 1999 OR, IF A QUALIFYING SCHOOL DISTRICT BECOMES A SCHOOL DISTRICT OF THE FIRST CLASS AFTER APRIL 25, 1999, NOT LATER THAN 30 DAYS AFTER THE DATE THE QUALIFYING SCHOOL DISTRICT BECOMES A SCHOOL DISTRICT OF THE FIRST CLASS, the mayor shall appoint a school reform board for a qualifying school district.

(2) A school reform board established under this section shall consist of the following 7 members:

(a) Six members appointed by the mayor.

(b) For a period of 5 years ~~after the effective date of the amendatory act that added this part~~ DATE OF THE INITIAL APPOINTMENT OF THE MEMBERS OF THE SCHOOL REFORM BOARD APPOINTED UNDER SUBDIVISION (A), the superintendent of public instruction or his or her designee. After this period, the mayor shall appoint the seventh member of the school reform board.

(3) A person who is a current member of the elected school board of a qualifying school district is not eligible for appointment as a member of the school reform board for that qualifying school district. Section 1101(1) does not disqualify any person from appointment to a school reform board under this section or from appointment as an officer under section 374. However, at least a majority of the appointed members of a school reform board must be school electors of the qualifying school district.

(4) Except for the superintendent of public instruction or his or her designee, members of a school reform board shall serve at the will of the mayor. The term of an appointed member shall be 4 years, except that of the members first appointed under subsection (2)(a), 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and 2 shall be appointed for a term of 4 years.

(5) If a member of a school reform board is removed from office by the mayor or is unable to complete his or her term, the mayor shall appoint a successor for the balance of the unexpired term. At the end of a member's term, the mayor shall appoint a successor or reappoint the member.

(6) The mayor shall call the first meeting of the school reform board and shall designate a chairperson of the school reform board from among its members. If there is a vacancy in the office of chairperson, the mayor shall designate a successor.

(7) At the first meeting of the school reform board, the school reform board may elect from among its members other officers as it considers necessary or appropriate. After the first meeting, the school reform board shall meet at least monthly, or more frequently at the call of the chairperson or if requested by 4 or more members.

(8) A majority of the members of the school reform board constitute a quorum for the transaction of business at a meeting of the school reform board. A majority of the members present and serving are required for official action of the school reform board.

(9) Members of the school reform board shall serve without compensation. However, members may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the school reform board.

Sec. 374a. For a period of 1 year after leaving office, a member of a school reform board appointed under this part or a chief executive officer of a qualifying school district or another officer appointed under section 374 is ineligible for election or appointment to any elective office of the qualifying school district or of ~~the~~ A city, VILLAGE, OR TOWNSHIP in which ANY PORTION OF the qualifying school district is located.

Sec. 402. A school district that has a pupil membership of at least 100,000 enrolled on the most recent pupil membership count day is a ~~single~~ first class school district governed by this part.”.

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

Senator Jaye offered the following amendments:

1. Amend page 18, line 22, after “(3)” by inserting “EACH SCHOOL BUILDING SHALL COLLECT AND KEEP CURRENT ON A WEEKLY BASIS THE INFORMATION REQUIRED FOR THE REPORT UNDER SUBSECTION (2) AND MUST PROVIDE THAT INFORMATION, WITHIN ONE SCHOOL DAY, UPON REQUEST.”.

2. Amend page 18, line 23, after “copy” by inserting “DISAGGREGATED BY SCHOOL BUILDING,”.

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. 536

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

Senator Rogers moved that the bill be given immediate effect.

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

Senator Stille offered to amend the title as follows:

A bill to amend 1976 PA 451, entitled "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, by amending sections 371, 372, 373, 374a, 402, 1310, 1310a, 1311a, and 1473 (MCL 380.371, 380.372, 380.373, 380.374a, 380.402, 380.1310, 380.1310a, 380.1311a, and 380.1473), sections 371, 372, 373, and 374a as added and section 402 as amended by 1999 PA 10, sections 1310 and 1310a as added by 1999 PA 102, section 1311a as added by 1999 PA 104, and section 1473 as added by 1996 PA 159, and by adding sections 1280b, 1282a, and 1531e and part 20B.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 4752, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

The question being on the passage of the bill,

Senator Miller offered the following amendment:

1. Amend page 4, line 14, after "USE" by inserting a period and striking out the balance of the sentence.

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

The motion prevailed.

The question being on the adoption of the amendment,

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

Senator Schwarz 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. 537

Yeas—17

Byrum	Jaye	North	Smith, V.
Dunaskiss	Koivisto	Peters	Steil
Gast	McManus	Rogers	Stille
Goschka	Miller	Schwarz	Vaughn
Hammerstrom			

Nays—16

Bennett	DeGrow	Gougeon	Schuette
Bullard	Dingell	Hoffman	Shugars
Cherry	Emerson	Johnson	Smith, A.
DeBeaussaert	Emmons	McCotter	Van Regenmorter

Excused—1

Hart

Not Voting—4

Leland

Murphy

Sikkema

Young

In The Chair: President

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 appreciate my colleague's comments.

I have a lot of sensitivity to this issue because as a former director of the Department of Agriculture working with the Grape and Wine Industry Council and our tremendous Michigan wineries that are growing lots of vinifera grape and other varieties that are, I think, rival to California, I'm very supportive of a pro-Michigan winery approach to promoting our industry, helping our wineries. What this bill does is put an iron clamp on Internet sales of wine to minors so we can protect our young, and frankly, that we abide by the law of the three-tier system.

There may be some who want to engage in a policy debate of turning it upside-down in Michigan and making it Amazon.wine. Well, wine is not CDs or books; rather, it's a substance with which we need to be very careful. The problem with the status quo is that language was drafted 20 years ago before the freshness and newness of the Internet. By maintaining the status quo, we have a potential problem, and frankly, a real problem bypassing the three-tier system. We have flooded the gates with wines from out of state that, frankly, could hurt Michigan wines.

We want the tourists who come to Michigan to come here and spend money. They can come to Michigan and send out as many cases as they choose to their home state whatever their state law is. Now, the people at home, if you're visiting northern Michigan and you want to send it back down to southeastern Michigan, the law is wide open. You can be gleeful as you want in your purchases and send back those cases upon case upon case upon case to your home in Michigan within the law and framework of the three-tier system.

So from my perspective, we should reject this amendment. If people want to change the Michigan law, that's fine. But if we're going to adhere to the three-tier system, we should reject this amendment.

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. 538**Yeas—33**

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson
Koivisto

Leland
McCotter
Murphy
North
Peters
Rogers
Schuette
Shugars

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

Nays—4

Gast

McManus

Miller

Schwarz

Excused—1

Hart

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

The Senate agreed to the full title.

Protests

Senators McManus, Schwarz and Miller, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4752.

Senator McManus’ statement, in which Senators Schwarz and Miller concurred, is as follows:

Ladies and gentlemen of the Senate, I voted “no” on this bill.

As I understand it, the bill started out in the House as a bill to prevent minors from being able to buy alcoholic beverages over the Internet, essentially, plus some other things. I don’t think there’s any disagreement on that in this chamber. We all agree we need to protect our minors from being able to do that. However, as the bill wound its way through the Legislature, things were added, and they were added to make Internet sales to adults—after all, not all the population, you know, is under 21 years old; there are a few of us who are over 21, and we do have a right or two and don’t particularly like to have that taken away.

This bill tightened up on rights that we already have, and I think the other thing about it is that the Internet is going to become more and more popular as a method of marketing in the future. So the amendment that I put on improved the situation for our local wineries, which are a very important part of agriculture in northwestern and southwestern Michigan, by removing the requirement that the driver license was the only way that you could identify yourself as being 21 years old and allowing other methods of doing that. The amendment improved the bill, but it still was not satisfactory to our agricultural interests. That’s my reason for voting “no.”

Senator Schwarz’s statement, in which Senator Miller concurred, is as follows:

I have been a long-time supporter of the three-tier system and will continue to be, but those people who advocate for the three-tier system and those people who operate their businesses under the three-tier system would be well advised, I believe, to take a look at what’s happening to commerce in the 21st century and come around and bring their own operations up to where we are and where we’re going to be because this was not a particularly pretty vote. We’re cutting people of the state of Michigan out of being able to participate, in this case, for one commodity only, but certainly, others will follow in the commerce system that we’re going to have in the 21st century.

Senator Miller’s statement is as follows:

In my 22 years here, Mr. President, there’s been no one who’s been a stronger advocate for the three-tier system and the Michigan beer and wine industry than I have. I was the sponsor of their legislation, and I was the victim of many, many verbal attacks by the big breweries when we tried to line up and help them out to protect their family businesses.

I somewhat echo Senator Schwarz's remarks in that we are moving into the 21st century. When you go home and bump into your constituents this summer who wanted to buy that case of wine or wanted to buy a bottle of wine, and you said this year they could do it, but starting next year when this bill takes effect they cannot do it, I hope you respond and tell them that you wanted to make sure that you protected the three-tier system.

I think that it was a bill that was based more on greed than it was on giving Michigan consumers the opportunity to purchase a product. I regret that we did not today give Michigan consumers the right to purchase a bottle of wine. I hope that everyone here makes it to that wine celebration in northwest Michigan this weekend because it's going to be your last opportunity to buy a bottle or a case of wine from a Michigan winery without going to Meijer next year.

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

Senator Schwarz moved to reconsider the vote by which the following bill was passed:

House Bill No. 4752, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

The motion did not prevail, a majority of the members serving not voting therefor.

Senator Schuette requested the yeas and nays on the committee recommendation for immediate effect.

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

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

Roll Call No. 539

Yeas—32

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

Nays—3

Gast	McManus	Stille
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Excused—1

Hart

Not Voting—2

Dunaskiss	Miller
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In The Chair: Hoffman

Senator Rogers moved that rule 2.106 be suspended to allow conference committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

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

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

Senate Bill No. 1209, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 102, 224, 240, and 2213 (MCL 500.102, 500.224, 500.240, and 500.2213), section 224 as amended by 1998 PA 121, section 240 as amended by 1987 PA 261, and section 2213 as added by 1996 PA 517, and by adding chapter 35; and to repeal acts and parts of acts.

(This bill was announced earlier today, House amendments not concurred in, vote reconsidered, and consideration postponed. See pp. 1182, 1190.)

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

Senator Hammerstrom offered the following amendments to the amendments:

1. Amend House Amendment No. 1, page 13, line 13, after "inserting" by striking out "25" and inserting "35".
2. Amend House Amendment No. 2, page 13, line 15, after "inserting" by striking out "25-CALENDAR-DAY" and inserting "35-CALENDAR-DAY".
3. Amend House Amendment No. 3, page 13, line 17, after "EXCEED" by striking out "5" and inserting "10 BUSINESS".

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 4:22 p.m.

5:02 p.m.

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

The question being on the adoption of the amendments to the amendments,

The amendments to the amendments were adopted.

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

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

Roll Call No. 540

Yeas—32

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

Nays—0

Excused—1

Hart

Not Voting—5

Dunaskiss	Gast	Leland	Vaughn
Emerson			

In The Chair: Schwarz

Senator V. Smith moved that Senators Emerson, Vaughn and Leland be temporarily excused from the balance of today's session.

The motion prevailed.

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. 1194, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 1993 PA 325.

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

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

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

Senate Bill No. 1195, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 21 (MCL 205.111), as amended by 1994 PA 34.

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.

Senators Vaughn and Leland entered the Senate Chamber.

Senate Bill No. 627, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4x.

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

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

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 541

Yeas—34

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

Nays—0

Excused—2

Emerson

Hart

Not Voting—2

Gast

Jaye

In The Chair: Schwarz

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

The Senate agreed to the full title.

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

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

Senator Gast entered the Senate Chamber.

Senate Bill No. 630, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, and 4k (MCL 205.93a, 205.94, and 205.94k), section 3a as amended by 1998 PA 366, section 4 as amended by 1999 PA 117, and section 4k as amended by 1999 PA 70.

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

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

A bill to amend 1937 PA 94, entitled "An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending sections 4 and 4k (MCL 205.94 and 205.94k), section 4 as amended by 1999 PA 117 and section 4k as amended by 1999 PA 70.

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 542**Yeas—36**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
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**

Emerson

Hart

Not Voting—0

In The Chair: Schwarz

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

Senator Emerson entered the Senate Chamber.

Senate Bill No. 1275, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 358 (MCL 18.1358).
 The House of Representatives has substituted (H-1) the bill.

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

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 543

Yeas—29

Bennett	Gast	Leland	Sikkema
Bullard	Gougeon	McManus	Smith, V.
Byrum	Hammerstrom	Miller	Steil
Cherry	Hoffman	Murphy	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetten	Vaughn
Emerson	Koivisto	Shugars	Young
Emmons			

Nays—8

DeBeaussiaert	Goschka	North	Schwarz
Dingell	McCotter	Peters	Smith, A.

Excused—1

Hart

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 1222, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15 of chapter IV (MCL 764.15), as amended by 1999 PA 269.

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,

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

Roll Call No. 544

Yeas—30

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

Nays—3

Hoffman	Jaye	Smith, A.
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Excused—1

Hart

Not Voting—4

DeGrow	Gast	Murphy	Rogers
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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.

The Senate agreed to the full title.

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

Protests

Senators Hoffman and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 1222.

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

On the previous bill, Senate Bill No. 1222, I voted "no" because I don't believe that police officers should have the ability to make arrests on misdemeanors based on probable cause. There's a huge difference between a felony and a misdemeanor here. I know that it's politically popular right now to do everything in our powers to eradicate crime on school property, but I do believe that this may go a bit far in giving police officers the right to make an arrest on probable cause for a misdemeanor on school property. There's a big distinction between a misdemeanor and a felony, and I just think that we're opening the door to bigger problems. I don't think this is the best public policy.

The other thing that concerns me is the fact that this is a criminal matter. It's a change in a criminal procedure, and we're giving the bill immediate effect. I think that, again, we're wrong on giving this bill immediate effect. My hope is that the Governor just for once uses his red pen on the whole thing.

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

Senate Bill No. 965, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

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

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 5:30 p.m.

6:32 p.m.

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

During the recess, Senator Murphy entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Conference Reports

House Bill No. 5058, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 15 (MCL 169.215), as amended by 1996 PA 590.

(For text of conference report, see Senate Journal No. 55, p. 1165.)

Senator V. Smith moved that Senator Emerson be temporarily excused from the balance of today's session.
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. 545

Yeas—36

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

Nays—0

Excused—2

Emerson

Hart

Not Voting—0

In The Chair: Schwarz

Senator Emerson entered the Senate Chamber.

Senator Stille submitted the following:

FIRST CONFERENCE REPORT

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

Senate Bill No. 966, entitled

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

Recommends:

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

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of education for the fiscal year ending September 30, 2001, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF EDUCATION

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	457.6	
GROSS APPROPRIATION		\$ 929,563,300
Interdepartmental grant revenues:		
Interdepartmental grant from corrections academy lease.....		518,000
Total interdepartmental grants and intradepartmental transfers		518,000
ADJUSTED GROSS APPROPRIATION		\$ 929,045,300
Federal revenues:		
Total federal revenues		873,591,700
Special revenue funds:		
Local cost sharing (schools for blind/deaf)		6,262,400
Local school district service fees		252,600
Total local revenues		6,515,000
Gifts, bequests, and donations.....		470,100
Private foundations		132,200
Total private revenues		602,300
Total local and private revenues		7,117,300

	For Fiscal Year Ending Sept. 30, 2001
Certification fees.....	\$ 2,726,800
Commodity distribution fees.....	46,600
Driver fees	8,113,400
Lansing, Michigan school for the blind rent	739,000
Motorcycle license fees.....	1,009,100
Safety education fund	313,100
School loan exception fees.....	63,000
Student insurance revenue.....	205,100
Teacher testing fees	321,500
Training and orientation workshop fees	100,000
Total other state restricted revenues	13,637,600
State general fund/general purpose	\$ 34,698,700
Sec. 102. STATE BOARD OF EDUCATION/OFFICE OF THE SUPERINTENDENT	
Full-time equated unclassified positions	6.0
Full-time equated classified positions	14.0
State board of education, per diem payments.....	\$ 19,400
Unclassified positions—6.0 FTE positions.....	505,500
State board/superintendent operations—14.0 FTE positions	2,307,700
GROSS APPROPRIATION	\$ 2,832,600
Appropriated from:	
Federal revenues:	
Federal revenues	573,200
Special revenue funds:	
Private foundations	8,000
State general fund/general purpose	\$ 2,251,400
Sec. 103. CENTRAL SUPPORT	
Full-time equated classified positions	45.2
Central support—45.2 FTE positions	\$ 5,614,400
Worker's compensation	108,000
Education commission of the states	95,500
Building occupancy charges - property management services.....	1,118,700
Training and orientation workshops	100,000
Terminal leave payments.....	440,500
GROSS APPROPRIATION	\$ 7,477,100
Appropriated from:	
Federal revenues:	
Federal revenues	4,081,400
Special revenue funds:	
Certification fees.....	153,900
Commodity distribution fees.....	4,800
Driver fees	19,900
Local cost sharing.....	60,800
Motorcycle license fees.....	3,900
Safety education fund	2,300
School loan exception fees.....	63,000
Teacher testing fees	8,800
Training and orientation workshop fees	100,000
State general fund/general purpose	\$ 2,978,300
Sec. 104. SCHOOL SUPPORT SERVICES	
Full-time equated classified positions	41.4
School support operations—41.4 FTE positions	\$ 4,876,300
GROSS APPROPRIATION	\$ 4,876,300
Appropriated from:	
Federal revenues:	
Federal revenues	3,875,500

	For Fiscal Year Ending Sept. 30, 2001
Special revenue funds:	
Commodity distribution fees	\$ 41,800
Driver fees	482,900
Motorcycle license fees.....	137,900
Safety education fund	116,500
State general fund/general purpose	\$ 221,700
Sec. 105. DATA AND TECHNOLOGY SERVICES	
Full-time equated classified positions37.2	
Data and technology operations—37.2 FTE positions.....	\$ 5,127,400
GROSS APPROPRIATION	\$ 5,127,400
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
Federal revenues	2,759,100
Special revenue funds:	
Certification fees.....	256,600
Driver fees	10,600
State general fund/general purpose	\$ 2,101,100
Sec. 106. SPECIAL EDUCATION SERVICES	
Full-time equated classified positions55.6	
Special education operations—55.6 FTE positions	\$ 7,140,900
GROSS APPROPRIATION	\$ 7,140,900
Appropriated from:	
Federal revenues:	
Federal revenues	6,922,500
Special revenue funds:	
Certification fees.....	19,900
State general fund/general purpose	\$ 198,500
Sec. 107. LANSING, MICHIGAN SCHOOL FOR THE BLIND FORMER SITE	
General services.....	\$ 1,267,000
GROSS APPROPRIATION	\$ 1,267,000
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from corrections academy lease.....	518,000
Special revenue funds:	
Gifts, bequests, and donations.....	10,000
Lansing, Michigan school for the blind rent	739,000
State general fund/general purpose	\$ 0
Sec. 108. MICHIGAN SCHOOLS FOR THE DEAF AND BLIND	
Full-time equated classified positions120.3	
Michigan schools for the deaf and blind operations.....	\$ 11,117,200
Technical resource and reproduction center	1,250,000
Summer institute	312,100
Michigan deaf/blind center—2.3 FTE positions.....	306,400
Camp Tuhsmeheeta—1.0 FTE position.....	250,100
Private gifts - blind	90,000
Private gifts - deaf	50,000
GROSS APPROPRIATION	\$ 13,375,800
Appropriated from:	
Federal revenues:	
Federal revenues	2,448,200
Special revenue funds:	
Local cost sharing (schools for blind/deaf)	6,201,600
Local school district service fees	252,600
Gifts, bequests, and donations.....	460,100
Student insurance revenue.....	205,100
State general fund/general purpose	\$ 3,808,200

For Fiscal Year
Ending Sept. 30,
2001

Sec. 109. PROFESSIONAL PREPARATION SERVICES

Full-time equated classified positions	26.5	
Professional preparation operations—26.5 FTE positions		\$ 2,679,900
Teacher quality enhancement		2,500,000
Department of attorney general		50,000
GROSS APPROPRIATION		\$ 5,229,900
Appropriated from:		
Federal revenues:		
Federal revenues		2,720,800
Special revenue funds:		
Certification fees		2,246,400
Teacher testing fees		262,700
State general fund/general purpose		\$ 0

Sec. 110. FIELD SERVICES

Full-time equated classified positions	41.0	
Field services operations—41.0 FTE positions		\$ 4,099,800
GROSS APPROPRIATION		\$ 4,099,800
Appropriated from:		
Federal revenues:		
Federal revenues		3,673,200
State general fund/general purpose		\$ 426,600

Sec. 111. OFFICE OF SCHOOL EXCELLENCE

Full-time equated classified positions	45.3	
School excellence operations—45.3 FTE positions		\$ 6,531,100
GROSS APPROPRIATION		\$ 6,531,100
Appropriated from:		
Federal revenues:		
Federal revenues		3,955,200
Private foundations		29,400
State general fund/general purpose		\$ 2,546,500

Sec. 112. GOVERNMENT SERVICES

Full-time equated classified positions	12.3	
Government services operations—12.3 FTE positions		\$ 1,081,300
GROSS APPROPRIATION		\$ 1,081,300
Appropriated from:		
Federal revenues:		
Federal revenues		635,800
State general fund/general purpose		\$ 445,500

Sec. 113. SAFE SCHOOLS AND ADMINISTRATIVE LAW

Full-time equated classified positions	11.0	
Safe schools operations—2.0 FTE positions		\$ 475,500
Administrative law operations—9.0 FTE positions		847,400
State tenure commission per diem		11,100
GROSS APPROPRIATION		\$ 1,334,000
Appropriated from:		
Federal revenues:		
Federal revenues		293,400
Special revenue funds:		
Teacher testing fees		50,000
State general fund/general purpose		\$ 990,600

Sec. 114. EDUCATION OPTIONS, CHARTERS, AND CHOICE

Full-time equated classified positions	7.8	
Education options operations—7.8 FTE positions		\$ 1,372,100
GROSS APPROPRIATION		\$ 1,372,100
Appropriated from:		
Federal revenues:		
Federal revenues		879,800
State general fund/general purpose		\$ 492,300

For Fiscal Year
Ending Sept. 30,
2001

Sec. 115. GRANTS AND DISTRIBUTIONS

FEDERAL PROGRAMS:

Acquired immunodeficiency syndrome education grants.....	\$	600,000
Class size reduction grants.....		50,275,700
Competitive child care and development.....		576,000
Drug-free schools grant.....		16,758,400
Eisenhower mathematics and science grants		12,940,000
Emergency immigrant		1,455,000
Goals 2000 grants		17,082,200
Handicapped infants and toddlers		16,000,000
Homeless children and youth		1,041,000
Michigan charter school subgrant program		6,000,000
Michigan model partnership for character education.....		247,600
Preschool grants (PL 94-142).....		13,500,000
Refugee children school impact grant		950,000
School-age child care grants		757,500
School lunch program - federal share		244,500,000
Serve America grants		840,000
Special education (250,000 GF/GP).....		20,339,800
Surplus commodity		2,506,000
Technology literacy challenge grants		17,784,300
Title I, comprehensive school reform.....		5,889,200
Title I, disadvantaged children		346,000,000
Title I, even start.....		5,500,000
Title I, migrant.....		12,000,000
Title VI, innovative strategies		13,480,900

STATE PROGRAMS:

Christa McAuliffe grants	\$	94,800
Driver education		7,600,000
Innovative program demonstration grants		400,000
Innovative curriculum development grants.....		560,000
Motorcycle safety education		867,300
National board certification		50,000
Off-road vehicle safety training grant		194,300
Reading plan for Michigan grants.....		34,000,000
School breakfast programs.....		4,128,000
School readiness grants.....		12,900,000
GROSS APPROPRIATION	\$	867,818,000

Appropriated from:

Federal revenues:

DAG, food and nutrition service, national school lunch.....	244,500,000
DAG, the emergency food assistance program	2,506,000
DED-OBEMLA, emergency immigrant education assistance	1,455,000
DED-OESE, charter schools	6,000,000
DED-OESE, class size reduction	50,275,700
DED-OESE, drug-free schools and communities	16,758,400
DED-OESE, goals 2000	22,082,200
DED-OESE, Eisenhower mathematics and science administration.....	12,940,000
DED-OESE, reading excellence act	29,000,000
DED-OESE, technology literacy challenge fund.....	17,784,300
DED-OESE, title I, comprehensive school reform	5,031,900
DED-OESE, title I, disadvantaged children	346,000,000
DED-OESE, title I, even start	5,500,000
DED-OESE, title I, migrant education	12,000,000

	For Fiscal Year Ending Sept. 30, 2001
DED-OESE, title VI, innovative strategies	\$ 13,480,900
DED-OESE, title X, comprehensive school reform	857,300
DED-OESE, title X, fund for improvement of education	247,600
DED-OSERS, handicapped infants and toddlers	16,000,000
DED-OSERS, handicapped preschool incentive grants	13,500,000
DED-OSERS, handicapped program, individuals with disabilities act	20,089,800
DED-OVAE, homeless children and youth	1,041,000
HHS-ACF, at-risk child care	576,000
HHS-ACF, refugee children	950,000
HHS-CDCP, AIDS education	600,000
HHS-ACF, dependent care block grant	757,500
Corporation for national and community service	840,000
Special revenue funds:	
Certification fees	50,000
Driver fees	7,600,000
Motorcycle license fees	867,300
Safety education fund	194,300
Private foundations	94,800
State general fund/general purpose	\$ 18,238,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2000-2001 is \$48,336,300.00 and state spending from state resources to be paid to local units of government for fiscal year 2000-2001 is \$14,054,400.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

GRANTS AND DISTRIBUTIONS**STATE PROGRAMS:**

Driver education	\$ 7,600,000
School readiness grants	1,667,500
Motorcycle safety education	601,000
Off-road vehicle safety training grant	57,900
School lunch and breakfast	4,128,000
TOTAL	\$ 14,054,400

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DED" means the United States department of education.
- (c) "DED-OBEMLA" means the DED office of bilingual education and minority languages affairs.
- (d) "DED-OESE" means the DED office of elementary and secondary education.
- (e) "DED-OSERS" means the DED office of special education and rehabilitative services.
- (f) "DED-OVAE" means the DED office of vocational and adult education.
- (g) "Department" means the Michigan department of education.
- (h) "District" means a local school district as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a public school academy as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.
- (i) "FTE" means full-time equated.
- (j) "HHS" means the United States department of health and human services.
- (k) "HHS-ACF" means the HHS administration for children and families.
- (l) "HHS-CDCP" means the HHS center for disease control and prevention.
- (m) "RPM" means reading plan for Michigan.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department or to positions that are funded with 80% or more federal or restricted funds.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services. The state budget director shall report by the fifteenth of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$20,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$700,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$250,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$3,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. The department shall continue to pilot the use of the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or legislative Intranet site. The senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the department shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report, and a list of those reports expected to be transmitted in the following quarter.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 211. The department may carry into the succeeding fiscal year unexpended federal pass-through funds to local institutions and governments that do not require additional state matching funds. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 and that do not require additional state matching funds are appropriated for the purposes intended.

Sec. 212. The department shall provide the state budget director and the senate and house fiscal agencies with copies of the state board of education agenda and all supporting documents at the time the agenda and supporting documents are provided to state board of education members.

Sec. 213. Money in the school loan exception fee fund that is unexpended at the end of the fiscal year shall not revert to the general fund but shall be carried over to the succeeding fiscal year.

Sec. 214. (1) From the amount appropriated in part 1 for the office for safe schools, the department is allocated an amount not to exceed \$200,000.00 and \$50,000.00 in state restricted funds to continue the office for safe schools within the department. The office for safe schools shall work with local school boards, law enforcement agencies, community leaders, and the office of drug control policy for the prevention of school violence. The office for safe schools shall develop and implement, and serve as coordinator of, a statewide clearinghouse for information, program development, model programs and policies, and technical assistance on school violence prevention.

(2) To accomplish its functions under this section, the office for safe schools shall do all of the following:

(a) Evaluate the effectiveness of, and make recommendations to local school boards concerning, public school violence prevention programs, including, but not limited to, programs aimed at reducing the possession of weapons and the incidence of other violent behaviors on school campuses, violence prevention curricula, conflict resolution and peer mediation training, interagency cooperative referral and treatment programs, parental involvement programs, and school safety planning.

(b) In consultation with appropriate organizations, develop and distribute to school districts and public school academies a model code of conduct for pupils.

(c) Coordinate with the office of drug control policy in the department of community health to ensure that there is a meaningful linkage between the efforts under this act to provide safe schools and the initiatives undertaken through that office, including, but not limited to, school districts' safe and drug-free school plans, and to facilitate timely applications for and distribution of available grant money.

(d) Provide through the Internet the availability to and information regarding the state model policy on locker searches, the state model policy on firearm safety and awareness, and any other state or local safety policies that the office considers exemplary.

(e) Work in collaboration with the department of state police in establishing a toll-free school violence hotline.

Sec. 215. The department shall require all public school districts to maintain complete records within the personnel file of a teacher or school employee of any disciplinary actions taken by the local school board against the teacher or employee for sexual misconduct. The records shall not be destroyed or removed from the teacher's or employee's personnel file except as required by a court order.

Sec. 216. For fiscal year 2000-2001, the department shall contract with and provide administration for the same local sponsors that participated in the emergency food assistance program under an agreement that was agreed to by the department for fiscal year 1999-2000, unless the local sponsor elects not to participate in the program.

Sec. 217. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 218. (1) The department of management and budget and each principal executive department and agency shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all personal service contracts awarded without competitive bidding, pricing, or rate-setting. The notification shall include all of the following:

(a) The total dollar amount of the contract.

(b) The duration of the contract.

(c) The name of the vendor.

(d) The type of service to be provided.

(2) For personal service contracts of \$100,000.00 or more, the department of management and budget shall provide a monthly report including all of the following:

(a) The total dollar amount of the contract.

(b) The duration of the contract.

(c) The name of the vendor.

(d) The type of service to be provided.

(3) The department of management and budget shall provide a monthly listing of all bid requests or requests for proposal that were issued.

(4) Each principal executive department and agency shall provide a monthly summary listing of information that identifies any authorization for personal service contracts that are provided to the department of civil service pursuant to delegated authority granted to each principal executive department and agency related to personal service contracts.

Sec. 220. The funds appropriated in part I shall include a fine arts consultant.

Sec. 221. The department will be revising the administrative rules for special education. Drafts of proposed special education rules processed under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, shall be provided to the senate and house appropriation subcommittees on the department of education.

STATE BOARD/OFFICE OF THE SUPERINTENDENT

Sec. 301. (1) The appropriations in part 1 may be used for per diem payments to members of boards, committees, and commissions for each day's board, committee, or commission work at which a quorum is present; for attending a hearing as authorized by the respective board, committee, or commission; or for performing official business as authorized by the respective board, committee, or commission. The per diem payments shall be at a rate as follows:

(a) State board of education - president \$ 110.00 per day

(b) State board of education - member other than president..... \$ 100.00 per day

(c) State tenure commission - member..... \$ 50.00 per day

(2) A state board of education member shall not be paid a per diem for more than 24 days per year.

(3) The administrative secretary of the state board of education shall report to the public, the senate and house fiscal agencies, and the state budget director the previous quarter's expenses by fund source for members of the state board of education related to the performance of their responsibilities.

Sec. 302. From the amount appropriated in part 1 to the state board of education, not more than \$35,000.00 shall be expended for travel.

MICHIGAN SCHOOLS FOR THE DEAF AND BLIND

Sec. 401. The employees at the Michigan schools for the deaf and blind who work on a school year basis shall be considered annual employees for purposes of service credits, retirement, and insurance benefits.

Sec. 402. For each student enrolled at the Michigan schools for the deaf and blind, the department shall assess the intermediate school district of residence 100% of the cost of operating the student's instructional program. The amount shall exclude room and board related costs and the cost of weekend transportation between the school and the student's home.

Sec. 403. (1) The department may assess rent to any state agency for the use of any facility at the Michigan school for the blind's former site in Lansing. The rental rates and all leasing arrangements shall be subject to the approval of the department of management and budget.

(2) In addition to those funds appropriated in part 1, the department may receive and expend additional funds from lease agreements at the Michigan school for the blind's former site in Lansing that have been negotiated with the approval of the department of management and budget. These funds are appropriated to the department for operation, maintenance, and renovation expenses associated with the leased space.

(3) The department shall not rent, lease, or declare as surplus property the superintendent's house on the Michigan school for the blind's former site without prior consent from the house and senate appropriations subcommittees on education. Amounts received under section 107 for general services may be expended by the department for operation, maintenance, and renovation expenses associated with the superintendent's house.

(4) Security guards or other patrols at the Michigan school for the blind's former site shall not be funded through section 108 funds appropriated for the Michigan schools for the deaf and blind.

(5) If the department leases real property to a person or organization that is not a department of state government, the department shall not expend funds in excess of the lease revenue received to replace, renovate, or repair that real property. This section shall not apply to emergency repairs or costs associated with technological renovations.

(6) The department shall not lease real property for less than fair market value.

(7) The unexpended balances of appropriations and any surplus restricted revenue for the former school for the blind site in Lansing shall not lapse to the state general fund at the end of the fiscal year. Any unexpended and unencumbered funds remaining on September 30, 2001, shall be carried forward as a work project or as restricted revenue and expended for special maintenance and repairs of facilities at the former Michigan school for the blind site in Lansing. The work project shall be performed by state employees or by contract when necessary at an estimated cost of \$100,000.00. The estimated completion date of the work project is September 30, 2002.

Sec. 404. (1) The department may assess rent or lease excess property located on the campus of the Michigan schools for the deaf and blind in Flint to private or publicly funded organizations.

(2) In addition to those funds appropriated in part 1, the department may receive and expend additional funds from lease agreements at the Michigan schools for the deaf and blind Flint campus that have been negotiated with the approval of the department of management and budget. These funds are appropriated to the department for the operation, maintenance, and renovation expenses associated with the leased space.

(3) Proceeds from the sale of surplus property and facilities at the Michigan schools for the deaf and blind are appropriated for the purposes of repairs, renovations, and maintenance of the Flint campus.

(4) The unexpended balances of appropriations for school for deaf and blind operations, and from proceeds of the sale of surplus property and facilities at the Michigan schools for the deaf and blind shall not lapse to the state general fund at the end of the fiscal year. Any unexpended and unencumbered funds remaining on September 30, 2001 shall be carried forward as a work project or as restricted revenue and expended for special maintenance and repairs of facilities at the campus of the Michigan schools for the deaf and blind in Flint. The work shall be carried out by state employees, or by contract as necessary, at an estimated cost of \$250,000.00. The estimated completion date of the work is September 30, 2002.

Sec. 405. The department may assist the department of community health, other departments, and local school districts to secure reimbursement for eligible services provided in Michigan schools from the federal Medicaid program. The department may submit reports of direct expenses related to this effort to the department of community health for reimbursement.

Sec. 406. (1) The Michigan schools for the deaf and blind may promote its residential program as a possible appropriate option for children who are deaf or hard of hearing or who are blind or visually impaired. The Michigan schools for the deaf and blind shall distribute information detailing its services to all intermediate school districts in the state.

(2) Upon knowledge of or recognition by an intermediate school district that a child in the district is deaf or hard of hearing or blind or visually impaired, the intermediate school district shall provide to the parents of the child the literature distributed by the Michigan schools for the deaf and blind to intermediate school districts under subsection (1).

(3) It is the intent of the legislature that parents continue to have a choice regarding the educational placement of their deaf or hard of hearing children.

Sec. 407. The department shall report to the house and senate appropriations subcommittees on education detailed information on the expenditures made from the amount authorized in part 1 for general services for the Michigan school for the blind's former site.

Sec. 408. In addition to those funds appropriated in part 1, the department may receive and expend funds from the mid-Michigan academy for capital improvements. These additional funds are appropriated specifically for capital improvements authorized by the department of management and budget and shall be negotiated as part of the lease agreement.

PROFESSIONAL PREPARATION SERVICES

Sec. 501. From the funds appropriated in part 1 for professional preparation services, the department shall maintain the professional personnel register and certificate revocation/felony conviction files.

Sec. 502. The department shall authorize teacher preparation institutions to provide an alternative program by which up to 1/2 of the required student internship or student teaching credits may be earned through substitute teaching. The department shall require that teacher preparation institutions collaborate with school districts to ensure that the quality of instruction provided to student teachers is comparable to that required in a traditional student teaching program.

EDUCATION OPTIONS, CHARTERS, AND CHOICE

Sec. 601. (1) From the amount appropriated in section 114 for education options, charters, and choice, there is allocated \$350,000.00 and 3.5 FTE positions to operate a charter school office to administer charter school legislation and associated regulations, and to coordinate the activities of the department relating to charter schools.

(2) From the amount appropriated in part 1 for education options, charters, and choice, there is allocated up to \$250,000.00 to fund an exchange program between teachers in Michigan school districts and teachers in Michigan's sister state of Shiga in Japan.

(3) If an audit finds that a public school district has significantly misrepresented its enrollment membership or financial data to the department, its funding shall be withheld and the public school district shall be required to reimburse the state any appropriations made as a result of the misrepresentations.

(4) A public school district found to have misrepresented its enrollment membership may utilize the same appeal process as a school district.

GRANTS AND DISTRIBUTIONS

Sec. 701. The department shall disburse the funds to a general fund grantee in accordance with the same standards of timing and amount that apply to disbursements made by the department to a federal fund grantee. The disbursement shall be restricted to the minimum amount needed for immediate disbursement by the grantee. The department may waive this section if extenuating circumstances warrant and are substantiated in the grantee's application or other appropriate documentation. A waiver granted pursuant to this section shall not be effective until 15 days after written notice of the proposed waiver is given to the state budget director and the chairpersons of the senate and house appropriations subcommittees having jurisdiction over the department budget.

Sec. 702. The funds appropriated in part 1 for school breakfast programs shall be made available to all eligible applicant public school districts as follows:

(a) The public school district participates in the federal school breakfast program and meets all standards as prescribed by 7 C.F.R. parts 220 and 245.

(b) Payment is made for each breakfast served meeting standards prescribed in subdivision (a).

(c) The payment for a public school district is at a per meal rate equal to the lesser of the district's or public school's actual cost, or 100% of the cost of a breakfast served by an efficiently operated breakfast program as determined by the department, less federal reimbursement, participant payments, and other state reimbursement. Determination of efficient cost by the department shall be determined by using a statistical sampling of statewide and regional cost as reported in a manner approved by the department for the preceding school year.

(d) The payment determined under subdivision (c) is prorated if the appropriation in part 1 is not sufficient to fund all payments determined under this section.

Sec. 703. (1) The funds appropriated in part 1 for school readiness programs shall be made available through a competitive application process as follows:

(a) An applicant may be any public or private nonprofit legal entity or agency other than a local or intermediate school district except a local or intermediate school district acting as a fiscal agent for a child caring organization regulated under 1973 PA 116, MCL 722.111 to 722.128.

(b) Applications shall be submitted in a form and manner as required by the department.

(c) Applications shall be reviewed by a diverse interagency committee composed of representatives of the department, appropriate community, volunteer, and social service agencies and organizations, and parents.

(d) Priority in the recommendation for awarding of grants by the superintendent of public instruction to applicants shall be based upon the following criteria:

(i) Compliance with standards for early childhood development consistent with programs for 4-year-olds, as approved by the state board of education.

(ii) Active and continuous involvement of the parents or guardians of the children participating in the program.

(iii) Employment of teachers possessing proper training in early childhood development, including an early childhood (ZA) endorsement or child development associate, and trained support staff.

(iv) Evidence of collaboration with the community of providers in early childhood development programs including documentation of the total number of children in the community who would meet the criteria established in subparagraph (vi), and who are being served by other providers, and the number of children who will remain unserved by other community early childhood programs if this program is funded.

(v) The extent to which these funds will supplement other federal, state, local, or private funds.

(vi) The extent to which these funds will be targeted to children who will be at least 4, but less than 5, years of age as of December 1 of the year in which the programs are offered and who show evidence of 2 or more "at-risk" factors as defined in the state board of education report entitled, "children at risk" that was adopted by the state board on April 5, 1988.

(e) Whether the application contains a comprehensive evaluation plan that includes implementation of all program components required and an assessment of the gains of children participating in an early childhood development program.

(f) Applications shall provide for the establishment of a school readiness advisory committee that shall be involved in the planning and evaluation of the program and provides for the involvement of parents and appropriate community, volunteer, and social service agencies and organizations. There shall be on the committee at least 1 parent or guardian of a program participant for every 18 children enrolled in the program, with a minimum of 2 parent or guardian representatives. The committee shall do all of the following:

(i) Review the mechanisms and criteria used to determine referrals for participation in the school readiness program.

(ii) Review the health screening program for all participants.

(iii) Review the nutritional services provided to all participants.

(iv) Review the mechanisms in place for the referral of families to community social service agencies, as appropriate.

(v) Review the collaboration with and the involvement of appropriate community, volunteer, and social service agencies and organizations in addressing all aspects of education disadvantage.

(vi) Review, evaluate, and make recommendations for changes in the school readiness program.

(g) More than 50% of the children participating in the program shall meet the income eligibility criteria for free or reduced price lunch, as determined under the national school lunch act, chapter 281, 60 Stat. 230, 42 U.S.C. 1751 to 1753, 1755 to 1761, 1762a, 1765 to 1766b, and 1769 to 1769h, or meet income and all other eligibility criteria for participation in the Michigan family independence agency unified child day care program.

(2) Grant awards by the superintendent of public instruction may be at whatever level the superintendent determines appropriate. A grant, when combined with other sources of state revenue for this program, shall not exceed \$3,300.00 per child or the cost of the program, whichever is less.

(3) Except as otherwise provided, an applicant that received a grant under this section in the 1999-2000 fiscal year shall receive priority for funding in 2000-2001. However, continuation of funding is contingent on the availability of funds and documented evidence of grantee compliance with standards for early childhood development consistent with programs for 4-year-olds, as approved by the state board of education, and with all operational, fiscal, administrative, and other program requirements. After 3 years of funding, a program that received a grant under this section may reapply for funding, but will compete for available funds with other new programs and other programs also completing their third year of funding under this section. A program which offers supplementary day care and thereby offers full-day programs as part of its early childhood development program shall receive priority in the allocation of these competitive funds.

Sec. 704. (1) The reading plan for Michigan (RPM) is a series of elementary education strategies created for the purpose of improving reading skills of K-3 students so that all students are reading at an appropriate grade level prior to the start of the fourth grade. The RPM shall be developed by the department in consultation with the RPM advisory council as created by Executive Order 1998-4.

(2) In order to implement the RPM, the department shall do at least all of the following:

(a) Develop a model summer reading program for students who will be attending grades 1 through 4 in the following school year and who have demonstrated the need for additional reading skills training, as evidenced by standardized test results on tests approved by the department for this purpose. The model reading program shall be in conformance with the national education goals and shall also meet criteria for DED-OESE, Title I program funding.

(b) Recommend diagnostic tools and student assessments to local districts to determine reading readiness and ensure progress in reading skills.

(c) Develop and disseminate reading readiness kits to parents of students in preschool and kindergarten to provide parents with information about how they can prepare their children for reading success.

(d) Develop and make available a statewide resource guide of public and private service providers to assist parents in improving their children's reading skills.

(3) The funds appropriated in part 1 for the reading plan for Michigan grants shall be allocated by the department on a competitive grant basis to districts, intermediate districts, or consortia of districts which meet the following criteria:

(a) The district must offer a summer reading program based upon the model reading program developed by the department under subsection (2) beginning after the close of the 1999-2000 school year.

(b) The district must identify money from other sources available to the district which will be used to support at least 50% of the total costs of the summer reading program.

(4) Applications for funding must be submitted to the department no later than December 31, 2000. The department shall notify recipients of the grants no later than March 30, 2001.

(5) Not later than the 2002-2003 school year, a pupil shall not be promoted to the next grade level at the end of the school year if the pupil has not met the standards for pupil promotion adopted by the local school district.

(6) If any federally funded requirement of this section is in conflict with federal law, the federal law will control.

(7) The legislature intends that the department shall work with high need school districts whose summer reading programs were not funded in fiscal year 1999-2000 to improve the quality of its proposal for the purpose of increasing the possibility that the program would be funded in the next grant cycle.

Sec. 705. If there is appropriated for fiscal year 2000-2001 not more than \$4,000,000.00 from the general fund/general purpose revenues from the state school aid act to develop early childhood education programs for children ages 0 to 3, the department shall administer the grant program in accordance with the criteria stated for the early childhood education program in the state school aid act.

Sec. 706. From the funds appropriated in part 1 for national board certification, the department shall pay 1/2 of the application fee for teachers who are deemed by the department by March 1, 2000 to be qualified to apply to the national board for professional teaching standards for professional teaching certificates or licenses and to provide grants to recognize and reward teachers who receive certification or licensure.

Sec. 707. The department shall work with Grand Valley State University to establish or enhance the teacher certification program for autism impaired students.

Sec. 710. (1) From the funds appropriated in section 115, \$400,000.00 shall be used for innovative program demonstration grants as provided under this section. From the \$400,000.00 appropriated for this section, \$200,000.00 shall be used for the fiscal year 2000-2001 and the remaining \$200,000.00 for the fiscal year 2001-2002. The balance of the \$400,000.00 not expended in fiscal year 2000-2001 shall not revert to the general fund but continue to be available in fiscal year 2001-2002 for the awarding of grants under this section. The department may use up to 4% of the funds appropriated for this section for administration of the innovative program demonstration grants awarded under this section. The department shall use the balance of the appropriation to provide grants to local school districts and intermediate school districts to develop the following innovative programs:

(a) School safety programs to examine creative ways to ensure safe schools in this state. The measures the program should examine include, but are not limited to, school uniforms, identification tags for staff, students, and volunteers, a school safety hotline, and the use of a school resource officer.

(b) Parental involvement programs to explore ways to increase parental and community involvement in schools. A funded program should focus on developing ways to utilize parents and community members as volunteers in the schools, increasing parent and teacher attendance at parent/teacher conferences, and provide training to teachers and administrators on utilizing parents as a valuable resource.

(c) Expanding curriculum programs to identify additions to the curriculum. A program shall have the approval of the local school board before applying for a grant. Programs such as stress management, conflict resolution, and character education are areas that can be included in a proposal under this subdivision and should be targeted at each grade level. A program can also look at parent/student/school contracts and should include expanding or implementing a gifted and talented program or hiring a resource coordinator for existing gifted and talented programs.

(2) The following are the primary goals for the innovative programs development grants:

(a) To provide the means for schools to experiment with new and innovative programs to improve school safety, parental involvement, and curriculum development.

(b) To demonstrate the value of the programs to justify continued local funding once the grant program has ended.

(c) To increase parental and community involvement in their schools.

(d) To share information between the schools regarding successful innovative programs. This should include the posting of the information on the school's and department's website.

(3) The department shall use the following criteria in determining the awarding of grants under this section:

(a) The state shall be divided into 5 regions to ensure equality of funding. Each region shall receive at least 1 grant in each of the program areas.

(b) Although a school may apply for funding under all 3 program areas, it can be awarded grant funds in only 1 of the program areas.

(c) A program shall be funded for 2 years.

(d) Although the focus of the programs should be on new programs, it may include innovative programs already in place.

(e) Each program shall receive \$10,000.00 for each fiscal year.

(f) Of the \$200,000.00 appropriated each fiscal year, \$10,000.00 each fiscal year shall be earmarked for each of the 5 regions for the development of parental involvement programs. These funds shall be used to hire a volunteer coordinator.

(g) Any other criteria the department considers necessary to implement this section.

(4) No later than September 30, 2002, a district receiving funding under this section shall report to the department on the results achieved by each innovative program. The report filed under this subsection shall include all of the following for each program:

(a) A description of the program and what steps were taken to implement the program.

(b) Any statistical data available before and after the funding period regarding the target area of the program.

(c) An analysis of the effectiveness of each program component.

(d) An analysis of the overall impact the program had on the students, school, community, and parents.

(e) The decision and reasoning as to why the program will be either continued or terminated after grant funding has ended.

(5) No later than November 29, 2002, the department shall compile the information received under subsection (3) and submit a report to the house and senate standing committees on education, the house and senate appropriations subcommittees on the department of education, the house and senate fiscal agencies, and the state board of education. The reports shall be posted on the department's website.

Sec. 711. (1) From the funds appropriated in section 115, \$560,000.00 shall be used for the innovative curriculum development grant program. The department shall use the appropriation to provide grants for programs that promote systemic innovative reform programs in the areas of curriculum development, pilot alternative education programs, civic education, special education, teacher education, math and science education, and other innovative programs through a competitive grant application process. The department shall use all of the following criteria to implement the program:

(a) The applicant shall be a public or private nonprofit legal entity.

(b) The applications shall be submitted in a form and manner as required by the department.

(c) Evidence of collaboration with universities, private colleges, and community colleges with teacher certification programs.

(d) The extent to which the funds will be matched with other federal, local, or private funds.

(e) Whether the application contains a comprehensive evaluation plan that includes all segments of the program.

(f) Ability to implement the program on a statewide basis.

(g) Each applicant is eligible for funding under only 1 program.

(h) Any other criteria the department considers necessary to implement the program.

(2) As a condition of funding, no later than February 1, 2001, entities receiving funding under this section shall submit a preliminary report to the department on the results achieved by each innovative program. The report shall include all of the following:

(a) A description of the goals, objectives, and outcomes of the program.

(b) Any statistical data on the number of stakeholders who benefited from the program.

(c) An independent analysis of the effectiveness of each program component.

(d) An analysis of the overall impact of the program on students, school, community, and parents.

(e) The total amount of funds expended and the purpose for which those funds were spent.

(3) The department shall compile the information received under subsection (2) and submit a report to the house and senate appropriations subcommittees on the department of education, the house and senate fiscal agencies, and the state board of education no later than March 30, 2001. A final report is due September 4, 2001. These reports shall be posted on the department's website.

Sec. 712. From the funds appropriated in part 1, \$20,000.00 shall be used to fund 1/3 of an FTE for the hiring of a certified school nurse in the position of school health services consultant.

TECHNOLOGY AND INFORMATION SERVICES

Sec. 901. Included in the appropriation for technology and information services in part 1 is \$50,000.00 to publish and distribute the Michigan school report.

Sec. 902. The department shall coordinate with the Michigan information center on the development of an educational information system.

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

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

Leon Stille
Loren N. Bennett
Kenneth DeBeaussaert
Conferees for the Senate

Ron Jelinek
Tony Stamas
Thomas H. Kelly
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. 546

Yeas—36

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

Nays—1

Jaye

Excused—1

Hart

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.

House Bill No. 5273, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

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

House Bill No. 5273, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Recommends:

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

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of agriculture for the fiscal year ending September 30, 2001, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF AGRICULTURE

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	653.5	
GROSS APPROPRIATION		\$ 98,321,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		9,680,800
ADJUSTED GROSS APPROPRIATION		\$ 88,640,700
Federal revenues:		
Total federal revenues		6,037,000
Special revenue funds:		
Total local revenues		0
Total private revenues		1,121,900
Total other state restricted revenues		34,122,000
State general fund/general purpose		\$ 47,359,800

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	67.0	
Commission and boards		\$ 63,300
Unclassified positions—6.0 FTE positions		477,200
Executive direction—4.0 FTE positions		440,500
Management services—58.0 FTE positions		5,260,900
Statistical reporting service—5.0 FTE positions		461,300
Environmental technology research grant		100,000
GROSS APPROPRIATION		\$ 6,803,200

Appropriated from:

Interdepartmental grant revenues:		
IDG from MDCIS (LCC), nonretail liquor license fees		8,800
Special revenue funds:		
Gasoline inspection and testing fund		47,800
Industry support funds		5,000
Licensing and inspection fees		62,100
Michigan state fair revenue		77,600
Upper Peninsula state fair revenue		9,000
State general fund/general purpose		\$ 6,592,900

Sec. 103. DEPARTMENTWIDE

Rent and building occupancy charges		\$ 1,132,700
GROSS APPROPRIATION		\$ 1,132,700

Appropriated from:

Special revenue funds:		
Gasoline inspection and testing fund		3,200
State general fund/general purpose		\$ 1,129,500

Sec. 104. FOOD AND DAIRY

Full-time equated classified positions	122.0	
Food safety and quality assurance—122.0 FTE positions		\$ 10,420,800
Local public health operations		8,977,500
GROSS APPROPRIATION		\$ 19,398,300

For Fiscal Year
Ending Sept. 30,
2001

Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCH, local public health operations.....	\$ 8,977,500
Federal revenues:	
DAG-AMS, cooperative agreement	22,500
HHS-FDA	183,600
Special revenue funds:	
Civil penalties.....	60,000
Food handler licensing fees.....	1,105,400
Licensing and inspection fees	1,336,400
State general fund/general purpose	\$ 7,712,900
Sec. 105. ANIMAL INDUSTRY	
Full-time equated classified positions	55.0
Animal health and welfare—26.0 FTE positions.....	\$ 2,253,200
Bovine tuberculosis program—29.0 FTE positions	3,488,900
GROSS APPROPRIATION	\$ 5,742,100
Appropriated from:	
Federal revenues:	
HHS-FDA	9,000
Special revenue funds:	
Licensing and inspection fees	34,500
Pseudorabies and swine brucellosis fund	87,100
State general fund/general purpose	\$ 5,611,500
Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT	
Full-time equated classified positions	133.3
Pesticide and plant pest management—133.3 FTE positions.....	\$ 12,853,900
Disease and pest intervention fund.....	201,800
Michigan State University.....	210,000
Orchard or vineyard removal	40,000
GROSS APPROPRIATION	\$ 13,305,700
Appropriated from:	
Federal revenues:	
DAG-AMS, cooperative agreement	36,400
DAG-APHIS, plant and animal disease and pest control.....	34,600
DAG-FS, multiple grants	1,881,200
EPA-OECA, pesticides enforcement program grants.....	1,510,000
HHS-FDA	15,400
Special revenue funds:	
Private - slow-the-spread foundation.....	130,000
Commodity inspection fees.....	991,500
Licensing and inspection fees	2,053,000
State general fund/general purpose	\$ 6,653,600
Sec. 107. ENVIRONMENTAL STEWARDSHIP	
Full-time equated classified positions	48.0
Environmental stewardship—38.0 FTE positions.....	\$ 3,513,500
Groundwater and freshwater protection program—10.0 FTE positions.....	5,077,800
Energy conservation program.....	138,000
Forest stewardship program	100,000
Local conservation districts	2,800,000
Migrant labor housing.....	950,000
GROSS APPROPRIATION	\$ 12,579,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDEQ, sewer sludge.....	70,000
IDG from MDEQ, type II well survey	15,000

	For Fiscal Year Ending Sept. 30, 2001
Federal revenues:	
DAG-FS, multiple grants	\$ 100,000
DAG-NRCS	250,000
EPA, multiple grants	250,000
EPA-OW, water pollution control, lake restoration cooperative agreements	236,300
EPA-RCRA	165,000
Special revenue funds:	
Private - oil company overcharge settlement	193,900
Groundwater and freshwater protection fund	4,577,800
Industry support funds	40,000
State general fund/general purpose	\$ 6,681,300
Sec. 108. LABORATORY PROGRAM	
Full-time equated classified positions	132.0
Laboratory analysis program—73.5 FTE positions	\$ 5,831,700
Pesticide data program—14.0 FTE positions	1,096,500
Consumer protection program—44.5 FTE positions	3,240,800
GROSS APPROPRIATION	\$ 10,169,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCIS (LCC), liquor quality testing fees	161,100
Federal revenues:	
DAG-AMS, cooperative agreement	1,096,500
DAG-APHIS, plant and animal disease and pest control	20,400
Special revenue funds:	
Private - oil company overcharge settlement	798,000
Agriculture equine industry development fund	500,000
Gasoline inspection and testing fund	1,472,100
Testing fees	167,100
Weights and measures regulation fees	323,400
State general fund/general purpose	\$ 5,630,400
Sec. 109. MARKET DEVELOPMENT	
Full-time equated classified positions	21.5
Marketing and emergency management—15.5 FTE positions	\$ 2,244,000
Agriculture development—6.0 FTE positions	1,145,100
Food bank	1,024,200
Grown in Michigan	100,000
Northwest Michigan horticultural research station	41,800
Southwestern Michigan tourist council - taste of Michigan	60,400
Future farmers of America	60,000
Michigan integrated food and farming systems	50,000
GROSS APPROPRIATION	\$ 4,725,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCIS (LCC), nonretail liquor license fees	448,400
Federal revenues:	
DAG-ERS-ARED	126,100
DAG, federal/state marketing improvement program	100,000
Special revenue funds:	
Industry support funds	225,000
State general fund/general purpose	\$ 3,826,000
Sec. 110. FAIRS AND EXPOSITIONS	
Full-time equated classified positions	35.0
Michigan state fair operations—22.0 FTE positions	\$ 6,994,300
Upper Peninsula state fair—8.0 FTE positions	1,375,700
Fairs and racing—5.0 FTE positions	604,300
Building and track improvement - county and state fairs	966,300

	For Fiscal Year Ending Sept. 30, 2001
Premiums - county and state fairs	\$ 1,707,900
Purses and supplements - fairs/licensed tracks	2,438,200
Standardbred Fedele Fauri futurity	80,800
Standardbred Michigan futurity	80,800
Quarterhorse programs	39,600
Licensed tracks - light horse racing	76,700
Standardbred breeders' awards	1,234,400
Standardbred purses and supplements - licensed tracks	276,500
Standard sire stakes	1,034,200
Thoroughbred sire stakes	1,034,200
Standardbred training and stabling	43,700
Thoroughbred program	1,809,800
Thoroughbred owners' awards	155,700
Distribution of outstanding winning tickets	500,000
Michigan festivals	80,000
Draft horse shows	78,200
GROSS APPROPRIATION	\$ 20,611,300
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund	8,804,500
Michigan state fair revenue	7,085,100
Upper Peninsula state fair revenue	1,200,000
State general fund/general purpose	\$ 3,521,700
Sec. 111. OFFICE OF RACING COMMISSIONER	
Full-time equated classified positions39.7	
Office of racing commissioner—39.7 FTE positions	\$ 3,854,400
GROSS APPROPRIATION	\$ 3,854,400
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund	3,854,400
State general fund/general purpose	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2000-2001 is \$81,481,800.00 and state spending from state resources to be paid to local units of government for fiscal year 2000-2001 is \$4,550,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF AGRICULTURE

Groundwater and freshwater protection program	\$ 1,700,000
Local conservation districts	2,800,000
Environmental stewardship	50,000
TOTAL	\$ 4,550,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DAG-AMS" means the United States department of agriculture - agriculture marketing service.
- (c) "DAG-APHIS" means the United States department of agriculture - animal plant health inspection service.
- (d) "DAG-ERS-ARED" means the United States department of agriculture - economic research service - agriculture and rural economy division.
- (e) "DAG-FS" means the United States department of agriculture - forest service.
- (f) "DAG-NRCS" means the United States department of agriculture - natural resources conservation service.
- (g) "Department" means the department of agriculture.
- (h) "Director" means the director of the department.
- (i) "EPA" means the United States environmental protection agency.

(j) "EPA-OECA" means the United States environmental protection agency - office of enforcement and compliance assistance.

(k) "EPA-OW" means the United States environmental protection agency - office of water.

(l) "EPA-RCRA" means the United States environmental protection agency - resource conservation and recovery act.

(m) "FTE" means full-time equated.

(n) "GREEN" means generating research and extension to meet environmental and economic needs.

(o) "HHS-FDA" means the United States department of health and human services - food and drug administration.

(p) "IDG" means interdepartmental grant.

(q) "MDCH" means the Michigan department of community health.

(r) "MDCIS (LCC)" means the Michigan department of consumer and industry services - liquor control commission.

(s) "MDEQ" means the Michigan department of environmental quality.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department or to positions that are funded with 80% or more federal or restricted funds.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes the hiring freeze will result in rendering a state department or agency unable to deliver basic services. The state budget director shall report by the fifteenth of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$6,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. The department shall continue to pilot the use of the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or legislative Intranet site. The senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the department shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report, and a list of those reports expected to be transmitted in the following quarter.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 211. (1) The unexpended and unobligated balance of any state restricted fund or account remaining at the end of the fiscal year shall revert back to the state restricted fund or account from which appropriated and be available for appropriation for the next fiscal year. Appropriations that revert to a state restricted fund or account pursuant to this section shall not revert to the general fund of this state.

(2) A state restricted revenue fund or account that receives revenues in excess of expenditures made from that state restricted revenue fund or account shall not have the excess revenue revert to the general fund of this state.

(3) The revenues collected in the agriculture equine industry development fund in fiscal year 1999-2000 shall not lapse but shall be carried forward to fund appropriations made pursuant to this act and subsequent acts.

Sec. 212. (1) Of the funds appropriated in part 1, the department may provide for indemnity as provided for pursuant to the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747, not to exceed \$10,000.00 per order from any line item for the fiscal year ending September 30, 2001. Before the department provides for an indemnification under this section, the department shall report the reason for the indemnification, the amount of the indemnification, and to whom the indemnification is to be paid. The report shall be given to each member of the house and senate appropriations subcommittees on agriculture and to the senate and house fiscal agencies.

(2) The department of agriculture shall make an indemnification payment for the fair market value of livestock that is killed by a wolf or a coyote, if the kill is verified by the department of natural resources. The fair market value of the livestock shall be determined pursuant to the indemnification procedures prescribed in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747. In addition to the funds appropriated in part 1, the department of agriculture is authorized to expend the funds received from the department of natural resources to reimburse the department of agriculture for all indemnification payments made pursuant to this subsection.

Sec. 213. When the department applies to the department of management and budget with a request for a transfer of appropriations or for a supplemental appropriation, the department shall provide the senate and house fiscal agencies with the same information that the department provides the department of management and budget relative to the request for transfer or supplemental.

Sec. 214. Of the funds appropriated in part 1 that are other than line-item grants, the department shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department provides notice of the grant to the house and senate appropriations subcommittees on agriculture at least 10 days before the grant is issued. The grants shall be used to support research or other related activities for the purpose of enhancing the agricultural industries in this state.

Sec. 215. The legislature will not fund nonfair or nonhorse racing grants or projects from revenues from simulcasting in fiscal year 2001-2002.

Sec. 216. By December 1, 2000, the department shall provide the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies a report that outlines programs funded under this act. The report shall provide explanation of the activities and personnel funded with each line item, consistent with the format of this act.

Sec. 217. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 218. The department shall provide a report prepared by the department's internal auditor on the activities of the internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities listed in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all other activities performed in the internal audit function. The first report shall be due March 1, 2000, and biennially thereafter beginning on May 1 and shall be submitted to the governor, auditor general, the senate and house appropriations committees, the senate and house fiscal agencies, and the director.

Sec. 219. The unexpended and unencumbered balance of revenue deposited pursuant to section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320, for the fiscal year ending September 30, 2001 shall be appropriated to the Michigan agriculture equine industry development fund for distribution as set forth in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

EXECUTIVE

Sec. 301. The appropriations in section 102 may be used for per diem payments to members of boards, committees, and commissions for a full day's board, committee, or commission work at which a quorum is present; for attending a hearing as authorized by the respective board, committee, or commission; or for performing official business as authorized by the respective board, committee, or commission. The per diem payments shall be at a rate as follows:

(a) Commission of agriculture	\$ 75.00 per day
(b) Upper Peninsula state fair board	\$ 50.00 per day
(c) Agricultural marketing and bargaining board.....	\$ 35.00 per day
(d) Michigan state fair council.....	\$ 50.00 per day
(e) Grape and wine industry council	\$ 50.00 per day

Sec. 302. The department may receive and expend revenue and use that revenue to cover necessary expenses related to publications, audit and licensing functions, livestock sales, certification of nursery stock, bean inspection services, and laboratory analyses as specified in the following:

- (a) Management services publications.
- (b) Management services audit and licensing functions.
- (c) Upper Peninsula state fair livestock sales.
- (d) Pesticide and plant pest management propagation and certification of virus free foundation stock.
- (e) Pesticide and plant pest management bean inspection and grading services.
- (f) Laboratory support testing for testing horses in draft horse pulling contests at county fairs when local jurisdictions request state assistance.
- (g) Laboratory support analyses to determine foreign substances in horses engaged in racing or pulling contests at tracks.
- (h) Laboratory support analysis of food, livestock, and agricultural products for disease, foreign products for disease, toxic materials, foreign substances, and quality standards.
- (i) Laboratory support test samples for other agencies and organizations.
- (j) Fruit and vegetable inspection at shipping and termination points and processing plants.

Sec. 303. Of the funds appropriated in section 102 for statistical reporting service, \$120,000.00 shall be used for ongoing rotational crop surveys of fruit, vegetables, and nursery stock, including Christmas trees and ornamental plants. The survey shall begin with fruit in the first year, vegetables in the second year, and nursery stock in the third year. The rotational cycle of the survey shall continue in the fourth and subsequent years. The survey shall include existing plantings/acreage, new plantings/acreage, production, and number of growers.

Sec. 304. (1) The appropriation in section 102 for an environmental technology research grant is allocated to the Michigan biotechnology institute, pending receipt of matching federal funds, for the development and implementation of innovative technologies to be used for environmentally safe products, biodegradable chemicals, environmental cleanup, and waste stream minimization projects in Michigan.

(2) Not later than February 15, 2001, the grantee under subsection (1) shall submit to the department and the house and senate appropriations subcommittees on agriculture a report for the immediately preceding calendar year regarding projects funded from state and federal sources. The report shall include, but is not limited to, a description of each project, the amount of state and federal funding of each project, and the major accomplishments of each project. The grantee under subsection (1) shall also submit a copy of its most recent single audit report, as required by chapter 75 of title 31 of the United States Code, 31 U.S.C. 7501 to 7507.

FOOD AND DAIRY

Sec. 401. (1) The department shall monitor restaurant inspection and licensing functions carried out by local health departments to ensure uniform application and enforcement of minimum program requirements. On or before September 30, 2001, the department shall report to the senate and house appropriations subcommittees on agriculture, the senate and house fiscal agencies, and the state budget director on local health department conformance with minimum program requirements.

(2) If a local unit of government incurs additional costs resulting from its efforts to control a significant food-borne outbreak, the director shall seek additional resources to reimburse the local unit of government for these additional costs. The director shall involve the local health officer of the jurisdiction affected in all aspects of the control of any food-borne outbreak.

Sec. 402. Not later than February 1, 2001, the department shall provide a report to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies describing significant food-borne outbreaks and emergencies including any enforcement actions taken related to food safety during the 1999-2000 fiscal year.

ANIMAL INDUSTRY

Sec. 450. From the funds appropriated in part 1 for the bovine tuberculosis program, the department of agriculture shall reimburse the department of natural resources for those costs associated with monitoring and testing wildlife for bovine tuberculosis that are necessary to support the department of agriculture goals and are jointly agreed to by the department of agriculture and the department of natural resources to be in excess of efforts necessary to effectively plan and execute the eradication of bovine tuberculosis from Michigan's wild free-ranging deer herd.

PESTICIDE AND PLANT PEST MANAGEMENT

Sec. 501. Of the funds appropriated in section 106 to the pesticide and plant pest management division, up to \$100,000.00 may be made available to the Michigan cooperative extension service for the purpose of training of applicators. Reimbursement shall be based on actual expenditures and revenue availability.

Sec. 502. From the appropriation in section 106 for the disease and pest intervention fund program, the department shall utilize these funds as needed to respond to exotic or regulatory pests or diseases.

Sec. 503. The department is authorized to enter into a cooperative agreement with a nonprofit foundation or agency associated with the gypsy moth slow-the-spread program in order to receive funds for managing plant pests.

Sec. 504. The appropriation in section 106 for orchard or vineyard removal shall be used by the department to assist growers with the removal of abandoned orchards or vineyards in order to mitigate plant pest infestation.

ENVIRONMENTAL STEWARDSHIP

Sec. 601. The funds appropriated in section 107 for the energy conservation program shall be distributed on a competitive basis that will be based on statewide energy conservation criteria.

Sec. 602. (1) The department may expend the amount appropriated in section 107 for migrant labor housing grants for construction of new migrant labor housing. Project grants shall not exceed \$4,000.00 per unit. An applicant is not eligible for more than a \$16,000.00 grant in any fiscal year. Units shall be equivalent in construction to units approved by the DAG-rural development agency for low interest construction loans and shall be not less than 484 square feet in size and be self-contained with a minimum of 1 bedroom, a kitchen, a flush toilet, a lavatory, and bathing facilities.

(2) Any unexpended migrant labor housing funds from the prior year shall be available for grants in the subsequent fiscal year.

Sec. 603. (1) From the amounts appropriated in section 107 for migrant labor housing, no less than \$100,000.00 shall be allocated to a private, nonprofit entity for the purpose of providing matching grants for the improvement or new construction of migrant labor housing. The terms or requirements imposed on a recipient of a grant awarded for migrant labor housing improvement or new construction by a private, nonprofit entity shall be no less stringent than those imposed by the department on recipients of similar grants awarded by the department. An entity receiving funds under this section shall use no greater than 7% of the state allocation for the administration of this program.

(2) A private nonprofit entity that receives an allocation to administer a migrant labor housing construction grant program shall give priority to grant applicants who are on the department's waiting list of applicants for migrant labor housing construction grants. The applicants for migrant labor construction grants administered by a nonprofit entity who are on the department's waiting list shall be served in the order in which they reside on the department's waiting list.

Sec. 604. The department shall apply for all federal funds for which it is eligible that can be used to support the migrant labor housing program.

Sec. 605. The appropriation in section 107 for local conservation districts shall be allocated in the following manner:

(a) Of the total appropriation, \$690,000.00 shall be allocated for district forestry and wildlife programs to assist private land management. Grants to districts will be made in accordance with a plan developed by the department of agriculture in cooperation with the forest management division of the department of natural resources.

(b) Of the total appropriation, \$130,000.00 shall be allocated for local conservation district training.

(c) Of the total appropriation, each local conservation district meeting the minimum grant requirements shall receive a grant of \$20,000.00 to support basic operations, unless the district resides in a county consisting of multiple districts, in which case a \$20,000.00 grant shall be divided equally among the districts in that county. It is the intent of the legislature that the amount of money allocated under this subdivision shall not be used by local conservation districts to replace any money received from local sources.

(d) Of the remaining appropriation after distributions under subdivisions (a) through (c), additional grants, not to exceed \$20,000.00 per local conservation district, may be provided based on a formula approved by the commission of agriculture. Grants under this subdivision shall require at least a 100% cash or in-kind local match. Criteria use to distribute grants under this subdivision shall include, but are not limited to, the natural resources need, the size, and the population of the area served by each local conservation district.

Sec. 606. From the funds appropriated in section 107 for environmental stewardship, \$100,000.00 shall be provided to Ottawa County to fund a constructed wetlands demonstration project for the treatment of wastewater generated on swine farms.

MARKET DEVELOPMENT

Sec. 701. Within the appropriations in section 109 for market development, \$448,400.00 is for the grape and wine industry council, from which the department may provide grants for the purposes as described in section 303 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1303.

Sec. 702. In any given year when insufficient amounts of Michigan surplus products are offered to the food bank council and accepted for distribution, unused funds may be applied by the food bank council for the direct purchase of foods from Michigan growers, manufacturers, or wholesalers.

Sec. 703. (1) The \$100,000.00 appropriated in section 109 for the grown in Michigan program is to provide competitive grants to Michigan nonprofit organizations to raise in-state consumer awareness of Michigan grown commodities.

(2) The grants are to be made by the Michigan commission of agriculture on a competitive basis considering the following order of priority:

(a) Cooperative efforts by recognized, statewide, grower funded organizations.

(b) The number of consumers made aware of the benefits of Michigan grown commodities.

(c) The number of Michigan grown products encompassed in the proposal.

(d) The amount of the match.

(3) A grant made under this section shall not be less than \$5,000.00 or more than \$25,000.00.

(4) Each grant shall be matched equally with grantees' funds. In-kind contributions shall not be considered as matching funds.

(5) The Michigan commission of agriculture shall report to the house and senate appropriations subcommittees on agriculture and senate and house fiscal agencies 10 days prior to making a grant under this section.

Sec. 704. Indirect costs may not be charged against the future farmers of America grant in section 109 by any administering agency.

Sec. 705. Of the funds appropriated in section 109 for agriculture development, \$200,000.00 shall be used to coordinate state participation in the federal market access program and to leverage federal funds for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 706. The amount appropriated in section 109 for Michigan integrated food and farming systems shall be allocated to the Michigan integrated food and farming systems to foster and sustain food and agriculture systems that improve economic, ecological, and social well-being. This allocation is contingent upon at least a 100% cash or in-kind match.

FAIRS AND EXPOSITIONS

Sec. 801. The department shall submit a report each month for the fiscal year ending September 30, 2001 to the state budget director, the senate and house standing committees on appropriations, and the senate and house fiscal agencies that sets forth the simulcasting revenues generated in the preceding month by each licensed track and the amount received from license fees.

Sec. 802. (1) The appropriation of \$276,500.00 in section 110 for standardbred purses and supplements - licensed tracks is intended to provide state purse supplements for 4 races at state licensed pari-mutuel horse racing tracks. The purse supplements are to be used for races comprised only of Michigan-bred horses segregated into a 4-year-old colt trot division, a 4-year-old filly trot division, a 4-year-old colt pace division, and a 4-year-old filly pace division.

(2) The appropriation in section 110 for licensed tracks - light horse racing shall be allocated as follows:

Arabian and Appaloosa horse racing	\$	19,200
Quarter horse racing	\$	57,500

Sec. 803. Included in the appropriation made in section 110 for the thoroughbred program is \$30,500.00 for the Michigan united thoroughbred breeders and owners association to conduct a thoroughbred yearling show. The Michigan united thoroughbred breeders and owners association shall submit to the department an itemized list of expenses showing that the expenses of the yearling show were paid.

Sec. 804. From the funds appropriated in section 110 for thoroughbred owners' awards, the department shall develop a program to provide for thoroughbred owners' awards that will be given to owners of Michigan-bred horses finishing first in nonrestricted races at licensed pari-mutuel tracks in Michigan.

Sec. 805. The \$78,200.00 appropriated in section 110 for draft horse shows shall be allocated in equal amounts to the Can-Am draft horse show held at the Michigan state fairgrounds and the Great Lakes draft horse show held at Michigan State University.

Sec. 806. The department shall notify the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies of any planned reductions in appropriations, allocations, or expenditures from the agriculture equine industry development fund no less than 10 days before such reductions are implemented.

Sec. 807. A county fair, district fair, 4-H fair, or state fair receiving funds in section 110 to be used for prizes or awards, in whole or in part, as a condition precedent to the receiving of the funds for those purposes, shall publish the rules relative to the prizes, awards, and deadlines for entries eligible for the funds in their official premium books or lists relative to the prizes or awards. An aggrieved exhibitor may make a written complaint to the fair within 10 days after the fair ends. If the fair has not satisfactorily settled the grievance within 45 days after it is submitted to the fair, the aggrieved person may file the complaint with the department and the department shall investigate the complaint and make a finding of fact regarding the complaint and take appropriate action regarding the complaint.

Sec. 808. Of the amount appropriated in section 110 for purses and supplements - fairs/licensed tracks, a sufficient amount is appropriated to provide for overnight purse supplements pursuant to the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

Sec. 809. Of the amount appropriated in section 110 for premiums, \$11,400.00 shall be expended as a grant for the Michigan horse show association - fall youth show at the Michigan exposition and fairgrounds.

Sec. 810. From the appropriations for premiums - county and state fairs in section 110, \$120,000.00 shall be awarded through a competitive grant program to local, regional, or state fairs or expositions to promote youth involvement and adult exhibitions in the animal agriculture industry. Appropriate exhibition classes for youth shall be developed that encourage a production exhibit for which premium awards may be paid. The age for youth exhibitors shall be determined by the standards of the association requesting the grant or, if standards do not exist, the age for youth exhibitors shall be ages 9 through 21. Implementation of the latest technologies into the evaluation of the animals shall be encouraged in the production exhibit. Adult exhibitions should focus on the performance or end product, or both, with the appropriate technologies used to enhance placings and the awarding of premiums.

Sec. 811. (1) Of the amount appropriated in section 110 for Michigan festivals, \$70,000.00 shall be allocated to the Michigan festivals and events association for the purpose of promoting commodity related festivals on a statewide basis. The allocation to the Michigan festivals and events association is contingent upon the association providing at least a 100% cash or in-kind match.

(2) Of the amount appropriated in section 110 for Michigan festivals, \$10,000.00 shall be allocated as a matching grant to support an equine education and demonstration program.

Sec. 812. The funds appropriated in section 110 for distribution of outstanding winning tickets are not available for expenditure until they are deposited in the agriculture equine industry development fund pursuant to section 2 of 1951 PA 90, MCL 431.252. These funds shall be expended in accordance with section 2 of 1951 PA 90, MCL 431.252, and only after they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 813. An individual or other entity that leases land, a building, or other property under the Michigan exposition and fairgrounds act, 1978 PA 361, MCL 285.161 to 285.176, is not eligible for a state grant, loan, appropriation, or other state subsidy related to the leased land, building, or other property.

Sec. 814. Of the funds appropriated in section 110, a grant shall be provided to the Michigan thoroughbred owners and breeders association to support Michigan thoroughbred promotions and marketing, industry data management, award management, and administrative management. Funding for the grant shall be provided from the amounts and line items indicated:

(a) \$37,500.00 from the thoroughbred sire stakes line item.

(b) \$37,500.00 from the thoroughbred owners' awards line item.

OFFICE OF RACING COMMISSIONER

Sec. 901. It is the intent of the legislature that the office of racing commissioner work cooperatively with the Great Lakes Downs Race Course in Muskegon to facilitate the operation of the track.

Sec. 902. The office of racing commissioner, in cooperation with representatives of the horse racing industry, shall develop a long-range plan for assuring the viability of the horse racing industry in this state. The plan shall include, but is not limited to, recommended statute changes that would be required to implement the plan and revenue diversification options. The office of racing commissioner shall submit the plan to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies by September 30, 2001.

Sec. 903. The racing commissioner may pay rewards of not more than \$5,800.00 to a person who provides information that results in the arrest and conviction on a felony or misdemeanor charge for a crime that involves the horse racing industry. A reward paid pursuant to this section shall be paid out of the office of racing commissioner line item.

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

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Mike Pumford
Ron Jelinek
Paul Tesanovich
Conferees for the House

George A. McManus, Jr.
Harry Gast
Don W. Koivisto
Conferees for the Senate

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. 547

Yeas—36

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

Nays—1

Jaye

Excused—1

Hart

Not Voting—0

In The Chair: Schwarz

House Bill No. 5279, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

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

House Bill No. 5279, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Recommends:

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

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**PART 1****LINE-ITEM APPROPRIATIONS**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2001, from the funds indicated in this part. The following is a summary of the appropriations in this part:

JUDICIARY**APPROPRIATION SUMMARY:**

Full-time equated exempted positions	590.5		
GROSS APPROPRIATION		\$	236,914,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			3,608,500
ADJUSTED GROSS APPROPRIATION		\$	233,305,500
Federal revenues:			
Total federal revenues			2,826,600
Special revenue funds:			
Total local revenues			2,836,100

	For Fiscal Year Ending Sept. 30, 2001
Total private revenues	\$ 1,322,400
Total other state restricted revenues	56,003,600
State general fund/general purpose	\$ 170,316,800
Sec. 102. SUPREME COURT	
Full-time equated exempted positions	289.0
Supreme court administration—121.0 FTE positions	\$ 15,072,200
Law enforcement information network system input compliance	50,000
Judicial institute—18.0 FTE positions	2,861,800
State court administrative office-administration—80.0 FTE positions	8,952,700
Judicial information systems—21.0 FTE positions	5,611,200
Direct trial court automation support—33.0 FTE positions	2,836,100
Foster care review board—12.0 FTE positions	1,249,900
Community dispute resolution program—4.0 FTE positions	2,563,500
Drug courts	1,200,000
GROSS APPROPRIATION	\$ 40,397,400
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MD CD	80,000
IDG from state police - Michigan justice training fund	300,000
IDG from state police - criminal justice improvement	2,805,000
Federal revenues:	
HHS, court improvement project	629,800
USDA, agriculture mediation grant	200,900
DOT, national highway safety traffic administration	215,300
DOJ, drug training conference	75,000
Federal special education grant	130,000
HHS, title IV-D child support program	419,100
HHS, title IV-E foster care review program	500,000
HHS-OCSE, access and visitation program	387,000
HHS, domestic violence prevention	269,500
Special revenue funds:	
Local - user fees	2,836,100
Private	169,000
Private - interest on lawyers trust accounts	712,600
Private - state justice institute	370,800
State court fund	319,000
Community dispute resolution fees	1,656,000
Miscellaneous restricted	227,900
Law exam fees	477,200
State general fund/general purpose	\$ 27,617,200
Sec. 103. COURT OF APPEALS	
Full-time equated exempted positions	235.5
Operations—235.5 FTE positions	\$ 21,372,400
GROSS APPROPRIATION	\$ 21,372,400
Appropriated from:	
Special revenue funds:	
Court filing/motion fees	1,571,000
Miscellaneous revenues	77,800
State general fund/general purpose	\$ 19,723,600
Sec. 104. TRIAL COURT OPERATIONS	
State court equity fund reimbursements	\$ 73,840,400
Hold harmless reimbursements	4,000,000
GROSS APPROPRIATION	\$ 77,840,400
Appropriated from:	
Special revenue funds:	
Court equity fund	36,044,000
State general fund/general purpose	\$ 41,796,400

For Fiscal Year
Ending Sept. 30,
2001

Sec. 105. JUSTICES' AND JUDGES COMPENSATION

Full-time judges positions	610.0	
Supreme court justices' salaries—7.0 judges		\$ 1,007,900
Court of appeals judges salaries—28.0 judges		3,709,100
District court judges state base salaries—259.0 judges		19,482,600
District court judicial salary standardization		11,842,500
Probate court judges state base salaries—106.0 judges		7,332,900
Probate court judicial salary standardization		4,287,100
Circuit court judges state base salaries—210.0 judges		16,473,100
Circuit court judicial salary standardization		9,228,000
Judges retirement - defined contribution		2,585,700
Grant to the OASI contribution fund, employers share, social security		4,134,700
Part-time probate judges conversion to full-time status		473,000
GROSS APPROPRIATION		\$ 80,556,600

Appropriated from:

Special revenue funds:

Court fee fund		5,630,600
State general fund/general purpose	\$	74,926,000

Sec. 106. JUDICIAL AGENCIES

Full-time equated exempted positions	10.0	
Judicial tenure commission—10.0 FTE positions		\$ 998,800
GROSS APPROPRIATION		\$ 998,800

Appropriated from:

State general fund/general purpose	\$	998,800
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Sec. 107. INDIGENT DEFENSE - CRIMINAL

Full-time equated exempted positions	56.0	
Appellate public defender program—48.0 FTE positions		\$ 4,909,600
Appellate assigned counsel administration—8.0 FTE positions		951,800
GROSS APPROPRIATION		\$ 5,861,400

Appropriated from:

Interdepartmental grant revenues:

IDG from state police - Michigan justice training fund		423,500
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Special revenue funds:

Private-interest on lawyers trust accounts		70,000
Miscellaneous revenue		113,100
State general fund/general purpose	\$	5,254,800

Sec. 108. INDIGENT DEFENSE - CIVIL

Indigent civil legal assistance		\$ 7,337,000
GROSS APPROPRIATION		\$ 7,337,000

Appropriated from:

Special revenue funds:

State court fund		7,337,000
State general fund/general purpose	\$	0

Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program		\$ 2,300,000
Drug case-flow program		250,000
GROSS APPROPRIATION		\$ 2,550,000

Appropriated from:

Special revenue funds:

Drunk driving fund		2,300,000
Drug fund		250,000
State general fund/general purpose	\$	0

PART 2**PROVISIONS CONCERNING APPROPRIATIONS****GENERAL SECTIONS**

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2000-2001 is \$226,320,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2000-2001 is \$115,265,800.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

SUPREME COURT

State court administrative office - administration.....	\$	511,900
Drug court program		1,200,000

TRIAL COURT OPERATIONS

Court equity fund reimbursements	\$	73,840,400
Hold harmless fund reimbursement.....		4,000,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization.....	\$	11,842,500
Probate court judges' state base salaries		7,332,900
Probate court judicial salary standardization.....		4,287,100
Circuit court judicial salary standardization.....		9,228,000
Part-time probate judges conversion to full-time status.....		473,000

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program	\$	2,300,000
Drug case-flow program		250,000
TOTAL.....	\$	115,265,800

(2) If it appears to the principal executive officer of a department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director, the house and senate appropriations committees, and the house and senate fiscal agencies.

Sec. 202. (1) The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) Funds appropriated in part 1 to an entity within the judicial branch shall not be expended or transferred to another account without written approval of the authorized agent of the judicial entity. If the authorized agent of the judicial entity notifies the state budget director of its approval of an expenditure or transfer, the state budget director shall immediately make the expenditure or transfer. The authorized judicial entity agent shall be designated by the chief justice of the supreme court.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DOE" means the United States department of education.
- (c) "DOJ" means the United States department of justice.
- (d) "DOT" means the United States department of transportation.
- (e) "FTE" means full-time equated.
- (f) "HHS" means the United States department of health and human services.
- (g) "IDG" means interdepartmental grant.
- (h) "MDCD" means the Michigan department of career development.
- (i) "MDSP" means the Michigan department of state police.
- (j) "MFIA" means the Michigan family independence agency.
- (k) "OASI" means old age survivor's insurance.
- (l) "TANF" means temporary assistance for needy families.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for federal contingency funds.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for state restricted contingency funds.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds.

(5) A transfer of contingency funds within the judicial branch shall not be made by the authorized agent of the judicial entity unless approved by both appropriations committees. If the state budget director does not approve contingency fund transfers adopted by both appropriations committees under this section, the state budget director shall notify the appropriations committees of his or her action within 15 days.

Sec. 207. At least 60 days before beginning any effort to privatize, the judicial branch shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. The judicial branch shall continue to pilot the use of the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or Intranet, or the legislative Intranet site. The senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the judicial branch shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report, and a list of those reports expected to be transmitted in the following quarter. The option of receiving reports in printed format shall continue to be available.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods and services, or both, are available.

Sec. 210. The chief justice of the supreme court shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the judicial branch. The chief justice shall strongly encourage firms with which the courts of this state contract to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 211. (1) The judicial branch shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all personal service contracts awarded without competitive bidding, pricing, or rate setting. The notification shall include all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(2) For personal service contracts of \$100,000.00 or more, the judicial branch shall provide a monthly report on all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

Sec. 212. The judicial branch shall receive and retain copies of all reports funded from appropriations in part 1, and shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 213. The judicial branch shall provide a report prepared by the judicial branch's internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities listed in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all other activities performed in the internal audit function. The report is due first on March 1, 2001, and is due biennially thereafter beginning on May 1, 2003, and shall be submitted to the governor, auditor general, the senate and house appropriations committees, the senate and house fiscal agencies, and the chief justice.

JUDICIAL BRANCH

Sec. 301. (1) The direct trial court automation support program of the state court administrative office shall recover direct and overhead costs from trial courts by charging for services rendered. The fee shall cover the actual costs incurred to the direct trial court automation support program in providing the service. A report of amounts collected in excess of funds identified as user service charges in part 1 shall be submitted to the state budget director and to the house and senate appropriations subcommittees on judiciary 30 days before expenditure by the direct trial court automation support program.

(2) From funds appropriated in part 1, the direct trial court automation support program of the state court administrative office shall provide to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies before January 1 of each year, a detailed list of user service charges collected during the immediately preceding state fiscal year.

Sec. 302. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.

Sec. 303. Of the amount appropriated in part 1 for the judicial branch, \$325,000.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6413.

Sec. 304. The judicial branch shall cooperate with the auditor general regarding audits of the judicial branch conducted pursuant to section 53 of article IV of the state constitution of 1963.

Sec. 305. To avoid the overexpenditure of funds appropriated under this act, the supreme court shall report quarterly to the state budget director and to the judiciary subcommittees of the house and senate appropriations committees regarding the status of the accounts set forth in part 1.

Sec. 306. From funds appropriated under part 1, forms required to be developed by the state court administrative office pursuant to section 2950b of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950b, shall be provided in the quantity requested by each county clerk.

Sec. 308. Funds appropriated in part 1 shall not be used to pay directly or by reimbursement the annual dues for membership in the state bar of Michigan of a judge, justice, or other employee of the judicial branch.

Sec. 309. (1) The chief financial officer of a funding unit for a court, in cooperation with the local court, shall provide to the state treasurer and state court administrative office by January 1, 2001 audited accounts of all money due and owing the court as of September 30, 2000. Where audited accounts are not available, the chief financial officer of a funding unit for a court may provide estimates as long as they are clearly marked as "estimated".

(2) The state treasurer shall report to the legislature a compilation of the estimated accounts receivable of all courts and cumulative totals by March 1, 2001. This report is a public record.

Sec. 310. The state court administrative office, from funds appropriated in part 1, shall assist the court of appeals and trial courts in resolving 90% of all cases within 18 months of their filing date.

Sec. 311. If sufficient funds are not available from the court fee fund to pay judges' compensation, the difference between the appropriated amount from that fund for judges' compensation and the actual amount available after the amount appropriated for trial court reimbursement is made shall be appropriated from the state general fund for judges' compensation.

Sec. 312. Funds appropriated in part 1 for indigent defense shall be used in accordance with terms and conditions of section 1485(11)(b) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1485, including reference to federal prohibitions against providing legal assistance with respect to any proceeding or litigation which seeks to procure an abortion.

Sec. 315. State general fund appropriation for community dispute resolution contained in part 1 shall be used to supplement funding for community dispute resolution centers. The supplemental funding shall be disbursed by formula to achieve a base level of \$30,000.00 for centers funded through the community dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564, with the remainder disbursed based upon performance measures as determined by the state court administrative office.

Sec. 319. (1) The state auditor general shall perform an audit of the state appellate defender office to ensure program effectiveness, efficiencies, and compliance with state law.

(2) As a part of the audit, the legislative auditor general shall include an analysis of the state appellate defender office salary schedule for attorneys and supervisors. The analysis shall compare salaries with those in the public and private sectors.

Sec. 322. (1) The funds appropriated in part 1 for drug courts shall be administered by the state court administrative office to implement new drug court programs or for existing drug court programs if federal funds are no longer available. A drug court shall be responsible for handling cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorney, defense attorney, and community corrections providers.

(2) The funds may be used in connection with federal funds, and local units of government are encouraged to match state funding.

(3) Local units of government are encouraged to refer to federal drug court guidelines to prepare proposals. However, federal agency approvals are not required for funding under this section.

(4) Beginning with the fiscal year commencing on October 1, 2001, other than a 1-time planning grant, state funding for a drug court established by a county or group of counties shall not exceed 3 years. Beginning with the fiscal year commencing on October 1, 2001, match funding requirements increase for each of the 3 years of funding to insure that the community is absorbing a larger share of the costs for the drug court with each succeeding year and are established at 25% for the first year, 40% for the second year, and 50% for the third year.

Sec. 323. From the funds appropriated in part 1, the state court administrator shall produce a statistical report regarding the implementation of the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908, as it pertains to minors seeking a court-issued waiver of parental consent to obtain an abortion. At a minimum, the report shall contain information from calendar years 1997 through 1999. The report shall include information from all counties on the number of petitions filed, the number of hearings held in response to petitions filed, and the number of waivers granted and denied. The state court administrator shall not seek any information regarding the identity of any minor who has petitioned the court, but shall provide aggregate data on the age of the minors petitioning the court and whether the minor resided in the county where the petition was filed. The report shall also indicate whether courts acted to report a potential child abuse to child protective services as provided in the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908.

Sec. 324. A county shall be required to pay a penalty due to the state's failure to be in compliance with federal child support enforcement system requirements unless the county, friend of the court, and the family independence agency have a written agreement that outlines the county's commitment to participate in the federally required child support

enforcement system and the county complies with a time line for completion established by the family independence agency. Appropriate counties, the family independence agency, and the judicial branch shall report on the progress of reaching federal standards by November 15, 2000. These groups will present an action plan as to how attainment will be reached by September 30, 2001.

Sec. 326. The \$50,000.00 appropriated in part 1 for the law enforcement information network system input compliance shall be provided for the state court administrative office to ensure that local courts are in compliance with section 464a of the mental health code, 1974 PA 258, MCL 330.1464a, section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107, and section 16b of the code of criminal procedure, 1927 PA 175, MCL 769.16b. The funds shall not be available for expenditure until a report is submitted to the house and senate appropriations committees on judiciary and the house and senate fiscal agencies by October 15, 2000. The report shall include a plan, including a timetable, of when every court shall have submitted for entry onto the law enforcement information network all court orders for persons determined to be legally incapacitated, persons required to undergo involuntary hospitalization or treatment, and persons adjudged not guilty by reason of insanity.

Sec. 327. The audit conducted by the legislative auditor general pursuant to section 53 of article IV of the state constitution of 1963 shall include a review of trial court improvement projects.

Sec. 328. The funds appropriated in part 1 for the conversion of part-time probate judges to full-time status shall not be expended until legislation is enacted to implement the conversion. If legislation is not enacted during fiscal year 2000-2001, the funds shall lapse to the state general fund at the close of the fiscal year.

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

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Mickey Mortimer
Cameron Brown
Steve Pestka
Conferees for the House

Walter North
Mike Goschka
Alma Wheeler Smith
Conferees for the Senate

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. 548

Yeas—36

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

Nays—1

Excused—1

Hart

Not Voting—0

In The Chair: Schwarz

House Bill No. 5282, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

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

House Bill No. 5282, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Recommends:

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**PART 1****LINE-ITEM APPROPRIATIONS**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2001, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF STATE POLICE

Full-time equated unclassified positions	5.0	
Full-time equated classified positions	3,618.5	
GROSS APPROPRIATION	\$	404,926,100
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers	\$	23,306,500
ADJUSTED GROSS APPROPRIATION	\$	381,619,600
Federal revenues:		
Total federal revenues		34,329,300
Special revenue funds:		
Total local revenues		3,495,300
Total private revenues		0
Total state restricted revenues		43,231,600
State general fund/general purpose	\$	300,563,400

For Fiscal Year
Ending Sept. 30,
2001

Sec. 102. EXECUTIVE DIRECTION

Full-time equated unclassified positions	5.0	
Full-time equated classified positions	52.0	
Unclassified positions		\$ 413,700
Executive direction—45.0 FTE positions		3,845,500
Auto theft prevention program—7.0 FTE positions		6,528,200
GROSS APPROPRIATION		\$ 10,787,400

Appropriated from:

Special revenue funds:

Auto theft prevention fees		6,528,200
State general fund/general purpose	\$	4,259,200

Sec. 103. DEPARTMENTWIDE APPROPRIATIONS

Special maintenance and utilities	\$	467,900
Rent and building occupancy charges		8,814,000
Worker's compensation		2,539,000
Fleet leasing		13,190,300
In-service training		850,000
Narcotics investigation funds		265,000
GROSS APPROPRIATION	\$	26,126,200

Appropriated from:

Interdepartmental grant revenues:

IDT, Michigan justice training fund		850,000
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Federal revenues:

Federal narcotics investigation revenues		95,000
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Special revenue funds:

Narcotics investigation revenues		170,000
State general fund/general purpose	\$	25,011,200

Sec. 104. SUPPORT SERVICES

Full-time equated classified positions	132.5	
Human resources—28.5 FTE positions		\$ 2,133,500
Management services—60.0 FTE positions		4,065,600
Training administration—44.0 FTE positions		4,823,500
GROSS APPROPRIATION		\$ 11,022,600

Appropriated from:

Interdepartmental grant revenues:

IDG, training academy charges		2,663,600
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Special revenue funds:

Local - LEIN fees		31,900
Auto theft prevention fees		21,000
Reimbursements		10,000
Precision driving track fees		264,100
Narcotics investigation revenues		40,600
Motor carrier fees		76,300
State general fund/general purpose	\$	7,915,100

Sec. 105. HIGHWAY SAFETY PLANNING

Full-time equated classified positions	26.0	
State program planning and administration—14.0 FTE positions		\$ 1,214,100
Grants to local governments and nonprofit organizations		4,000,000
Secondary road patrol administration—1.0 FTE position		86,200
Secondary road patrol and traffic accident basic grants		6,272,300
Secondary road patrol and traffic accident enhanced grants		6,152,300
Truck safety program—2.0 FTE positions		3,021,600
Field coordination and analysis—8.0 FTE positions		1,360,000
Highway traffic safety—1.0 FTE position		3,113,800
GROSS APPROPRIATION		\$ 25,220,300

Appropriated from:

Federal revenues:

DOT-NHTSA		8,903,300
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	For Fiscal Year Ending Sept. 30, 2001
DOJ-OJJDP.....	\$ 200,000
Special revenue funds:	
Truck driver safety fund.....	2,971,600
Secondary road patrol and training fund.....	6,152,300
State general fund/general purpose.....	\$ 6,993,100
Sec. 106. CENTRAL RECORDS	
Full-time equated classified positions.....78.5	
Central records division—60.0 FTE positions.....	\$ 4,669,800
Criminal records improvement—1.0 FTE position.....	2,727,600
Traffic safety—17.5 FTE positions.....	1,513,000
GROSS APPROPRIATION.....	\$ 8,910,400
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOS.....	307,900
IDG-MDOT, state trunkline fund.....	330,900
Federal revenues:	
DOJ-BJS, national criminal history improvement program (NCHIP).....	2,627,400
DOJ-BJA, drug control and system improvements, formula grants.....	100,200
DOT-NHTSA.....	386,700
Special revenue funds:	
Central records service fees.....	2,030,700
State general fund/general purpose.....	\$ 3,126,600
Sec. 107. CRIMINAL JUSTICE DATA CENTER	
Full-time equated classified positions.....69.0	
State police-management information systems—24.5 FTE positions.....	\$ 3,146,500
Local LEIN services—23.5 FTE positions.....	5,255,100
Automated fingerprint identification system—21.0 FTE positions.....	2,869,300
Computer services.....	655,600
GROSS APPROPRIATION.....	\$ 11,926,500
Appropriated from:	
Special revenue funds:	
Local - LEIN fees.....	2,026,400
Local - AFIS fees.....	33,000
State general fund/general purpose.....	\$ 9,867,100
Sec. 108. FORENSIC SCIENCES	
Full-time equated classified positions.....212.0	
Laboratory operations—193.0 FTE positions.....	\$ 16,294,600
DNA analysis program—19.0 FTE positions.....	2,307,800
Grant to city of Detroit.....	921,100
GROSS APPROPRIATION.....	\$ 19,523,500
Appropriated from:	
Federal revenues:	
DOJ-BJA, drug control and system improvement, formula grants.....	580,200
Special revenue funds:	
Forensic science reimbursement fees.....	15,000
State forensic laboratory fund.....	455,000
State general fund/general purpose.....	\$ 18,473,300
Sec. 109. COMMISSION ON LAW ENFORCEMENT STANDARDS	
Full-time equated classified positions.....28.0	
Standards and training—24.0 FTE positions.....	\$ 2,035,400
Training only to local units.....	659,400
Officer's survivor tuition program.....	50,000
Michigan justice training commission—4.0 FTE positions.....	9,026,100
GROSS APPROPRIATION.....	\$ 11,770,900
Appropriated from:	
Federal revenues:	
DOJ-OJP.....	360,000

	For Fiscal Year Ending Sept. 30, 2001
Special revenue funds:	
Secondary road patrol and training fund	\$ 659,400
Michigan justice training fund	9,026,100
State general fund/general purpose	\$ 1,725,400
Sec. 110. FIRE MARSHAL	
Full-time equated classified positions54.0	
Fire marshal programs—44.0 FTE positions	\$ 3,925,000
Fire investigation training to locals	51,500
Fire fighters training council—10.0 FTE positions	1,505,600
GROSS APPROPRIATION	\$ 5,482,100
Appropriated from:	
Federal revenues:	
FEMA-PTED, hazardous material assistance program	50,000
DOT-RSPA, interagency hazardous materials public sector and planning grants	50,000
State general fund/general purpose	\$ 5,382,100
Sec. 111. EMERGENCY MANAGEMENT	
Full-time equated classified positions49.0	
Emergency management planning and administration—32.0 FTE positions	\$ 2,896,700
Grants to local government	2,182,100
FEMA program assistance—3.0 FTE positions	954,600
Nuclear power plant emergency planning—6.0 FTE positions	1,124,200
Hazardous materials transportation—1.0 FTE position	613,000
Hazardous materials programs—7.0 FTE positions	1,834,200
GROSS APPROPRIATION	\$ 9,604,800
Appropriated from:	
Federal revenues:	
FEMA-PTED, hazardous material assistance program	4,613,900
DOT-RSPA, interagency hazardous materials public sector training and planning grants	613,000
DOJ-BJA, anti-terrorism training	249,900
Special revenue funds:	
Nuclear plant emergency planning reimbursement	1,124,200
Hazardous materials training center fees	1,249,100
State general fund/general purpose	\$ 1,754,700
Sec. 112. UNIFORM SERVICES	
Full-time equated classified positions2,077.5	
Uniform services—610.0 FTE positions	\$ 50,124,800
Security guards—35.0 FTE positions	1,456,000
Reimbursed services	666,900
At-post troopers—1,432.5 FTE positions	117,097,400
State commercial mobile radio service projects	837,000
Firearms awareness and safety	350,000
GROSS APPROPRIATION	\$ 170,532,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges	610,100
IDG-MDOC	102,000
IDG-MDTR, emergency telephone fund	837,000
Federal revenues:	
DOL-ETA	150,000
DOJ-COPS	500,000
Special revenue funds:	
Highway safety fund	6,555,600
State police service fees	666,900
State general fund/general purpose	\$ 161,110,500

For Fiscal Year
Ending Sept. 30,
2001

Sec. 113. SPECIAL OPERATIONS

Full-time equated classified positions	156.5	
Operational support—35.0 FTE positions		\$ 2,470,200
Traffic services—13.5 FTE positions		3,564,400
Aviation program—8.0 FTE positions		1,693,500
Communications—100.0 FTE positions		14,727,600
GROSS APPROPRIATION		\$ 22,455,700

Appropriated from:

Interdepartmental grant revenues:

IDG-MDOC, contract		76,000
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Federal revenues:

DOT-NHTSA		2,040,700
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Special revenue funds:

Rental of department aircraft		201,300
Drunk driving prevention and training fund		833,600
State general fund/general purpose	\$	19,304,100

Sec. 114. CRIMINAL INVESTIGATIONS

Full-time equated classified positions	465.5	
Criminal investigations—341.5 FTE positions		\$ 33,664,100
Federal anti-drug initiatives—72.0 FTE positions		9,884,100
Reimbursed services, materials, and equipment		1,715,600
Auto theft prevention—10.0 FTE positions		1,129,300
Casino gaming oversight—42.0 FTE positions		5,309,600
GROSS APPROPRIATION		\$ 51,702,700

Appropriated from:

Interdepartmental grant revenues:

IDT, auto theft funds		863,600
IDG-MDTR, casino gaming fees		5,309,600
IDG-MDCH, tobacco tax		656,900

Federal revenues:

Federal investigations-reimbursed services		311,600
DOJ-BJA, drug control and system improvement, formula grants		7,396,400
Federal narcotics investigation revenues		379,700

Special revenue funds:

Local - reimbursed services		1,404,000
Narcotics investigation revenues		535,100
Forfeiture funds		269,500
Licensing fees		415,400
State general fund/general purpose	\$	34,160,900

Sec. 115. MOTOR CARRIER ENFORCEMENT

Full-time equated classified positions	218.0	
Motor carrier enforcement—135.0 FTE positions		\$ 11,791,500
Truck safety enforcement team operations—15.0 FTE positions		1,022,400
Safety inspections—45.5 FTE positions		4,357,400
School bus inspections—16.0 FTE positions		1,480,100
Safety projects—6.5 FTE positions		1,209,500
GROSS APPROPRIATION		\$ 19,860,900

Appropriated from:

Interdepartmental grant revenues:

IDT, truck safety fund		1,094,100
IDG-MDOT, state trunkline fund		9,604,800

Federal revenues:

DOT-NHTSA		4,721,300
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Special revenue funds:

Motor carrier fees		2,960,600
State general fund/general purpose	\$	1,480,100

PART 2
PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2000-2001 is \$343,795,000.00 and state spending from state resources to be paid to local units of government for fiscal year 2000-2001 is \$20,120,300.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE**OFFICE OF HIGHWAY SAFETY PLANNING**

Secondary road patrol and traffic accident basic grants	\$	6,272,300
Secondary road patrol and traffic accident enhanced grants		6,152,300

FORENSIC SCIENCES

Grant to city of Detroit	\$	921,100
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COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units	\$	659,400
Michigan justice training commission		5,624,700

FIRE MARSHAL

Fire fighters training council	\$	439,000
Fire investigation training for locals		51,500
Total	\$	20,120,300

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "COLES" means the commission on law enforcement standards.
- (c) "Department" means the department of state police.
- (d) "DNA" means deoxyribonucleic acid.
- (e) "DOJ" means the United States department of justice.
- (f) "DOJ-BJA" means the DOJ bureau of justice assistance.
- (g) "DOJ-BJS" means the United States DOJ bureau of justice statistics.
- (h) "DOJ-COPS" means the DOJ community oriented policing services.
- (i) "DOJ-OJJDP" means the DOJ office of juvenile justice and delinquency prevention.
- (j) "DOJ-OJP" means the DOJ office of justice programs.
- (k) "DOL" means the United States department of labor.
- (l) "DOL-ETA" means the DOL employment and training administration.
- (m) "DOT" means the United States department of transportation.
- (n) "DOT-NHTSA" means DOT national highway traffic safety administration.
- (o) "DOT-FHWA" means the DOT federal highway administration.
- (p) "DOT-RSPA" means the DOT research and special programs administration.
- (q) "FEMA" means the federal emergency management agency.
- (r) "FEMA-PTED" means the FEMA preparedness, training, and exercises directorate.
- (s) "FTE" means full-time equated.
- (t) "IDG" means interdepartmental grant.
- (u) "IDT" means intradepartmental transfer.
- (v) "LEIN" means law enforcement information network.
- (w) "MDCH" means the Michigan department of community health.
- (x) "MDMB" means the Michigan department of management and budget.
- (y) "MDOC" means the Michigan department of corrections.
- (z) "MDOS" means the Michigan department of state.
- (aa) "MDOT" means the Michigan department of transportation.
- (bb) "MDTR" means the Michigan department of treasury.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department or to positions that are funded with 80% or more federal or restricted funds.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services. The state budget director shall report by the fifteenth of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$3,500,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. The department shall continue to pilot the use of the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or legislative Intranet site. The senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the department shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report, and a list of those reports expected to be transmitted in the following quarter.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the department. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 211. It is the intent of the legislature that personnel of the department who request and are eligible for reimbursement of expenses related to the operation of the department be reimbursed from the appropriations provided in this act within 30 days after submitting a request, or the eligible personnel shall be paid an additional amount equal to 0.75% of the payment due. The department shall pay an additional amount equal to 0.75% of the payment due for the first month and each succeeding month or portion of a month the payment remains past due.

Sec. 212. Of the state general fund/general purpose revenue appropriated in this act, \$89,079,600.00 represents a state spending increase over the amount provided to the department of state police for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the violent crime control and law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs, so that any additional federal money received supplements funding provided to the department of state police in this act.

Sec. 213. The department is authorized to receive and to expend upon receipt any federal or state forfeiture money. Each quarter, the department shall notify the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies of the receipt of any federal or state forfeiture money.

Sec. 214. Any law enforcement entity receiving GF/GP funds from this act shall not evaluate an employee or consider an employee for promotion or assignment on the basis of motor vehicle citations issued.

Sec. 215. (1) Money appropriated under this act shall be used to maintain a sex offenders registry website on the Internet. The website shall be capable of being linked to and immediately be accessible from the websites of public officials, including legislators. The sex offenders registry website shall contain a listing of all those persons in the state convicted of a sex offense and required to be registered with the state under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732. Persons listed on the sex offenders registry website shall have information listed about them including, but not limited to, their name, aliases, date of birth, address, physical description, including a photograph, and a list of sex offenses of which they were convicted.

(2) There are sufficient funds appropriated in part 1 for maintaining the accuracy of the information contained in the sex offender registry website. The department shall assign sufficient personnel to ensure the accuracy and completeness of information concerning each registrant on the website by verifying the accuracy of registrants' addresses on a regular basis. The department shall vigorously apprehend and prosecute those who fail to comply with the sex offenders registration act.

Sec. 216. (1) It is the intent of the legislature that the department shall not provide any subsidy for contractual services it provides.

(2) When the department provides contractual services to a local unit of government, the department shall be reimbursed for all costs incurred in providing the services, including, but not limited to, retirement and overtime costs.

(3) Contractual services provided to an entity other than a local unit of government may be provided by department personnel, but only on an overtime basis outside the normal work schedule of the personnel.

(4) This section does not apply to state agencies.

Sec. 217. In conjunction with the department of transportation, the department of state police shall develop plans for the maintenance, scheduling, and use of all state-owned aircraft. It is the intent of the legislature that these plans maximize the safe and cost-efficient use of the state transportation air fleet. The department shall prepare a joint report, coordinated by the department of transportation, on the development of these plans.

Sec. 218. The department shall create and retain copies of reports for all money appropriated under part 1.

Sec. 219. Not later than March 15, 2001 and September 30, 2001, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight:

(a) The amount of money received and expended.

(b) The nature and structure of the casino gaming oversight unit.

(c) The positions and classifications of employees assigned.

(d) The number of full-time and part-time employees and the aggregate number of FTEs.

(e) The number of enlisted and civilian positions.

(f) The duties and responsibilities of the assigned employees.

(g) The immediate past position of the enlisted employees assigned.

Sec. 220. The state police shall collect and computerize the vehicle identification number of all vehicles that are entered into the state accident data collection system and make this and other vehicle information available to the public.

Sec. 221. Of the funds appropriated in part 1, \$50,000.00 shall be expended by the department to create a toll-free hotline in collaboration with the department of education. The toll-free hotline shall be operated 24 hours per day, 7 days per week, and shall provide students, school officials, and other individuals an opportunity to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles to the appropriate local law enforcement entities for investigation.

Sec. 222. Of the funds appropriated in part 1, not more than \$100,000.00 shall be expended by the department to comply with section 16b of the code of criminal procedure, 1927 PA 175, MCL 769.16b, section 464a of the mental health code, 1974 PA 258, MCL 330.1464a, and section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107.

FIRE MARSHAL

Sec. 301. (1) The department shall prepare a detailed report and deliver it to the senate and house subcommittees on the state police not later than May 15, 2001.

(2) The report shall contain input from a delegate appointed from and by the following organizations:

(a) Michigan fire chiefs association.

(b) Michigan state fireman's association.

(c) Michigan firefighter's union.

(d) Michigan fire service instructors association.

(e) Michigan fire inspectors society.

(f) Michigan chapter of the international association of arson investigators.

(3) The report shall contain information about the quality and adequacy of service from the state fire investigation, education, and training under the reorganization of the fire marshal division responsibilities. The report shall be based on the performance of the fire marshal division in the performance of its fire safety duties during the first 6 months of fiscal year 2000-2001.

HIGHWAY SAFETY PLANNING

Sec. 401. In addition to the money appropriated in section 105 and section 109, the department may receive and expend state restricted funds for the support of the secondary road patrol and traffic accident enhanced grants program and training to local units in accordance with section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e. Expenditures for the support of the secondary road patrol and traffic accident enhanced grants and training to local units program shall not exceed revenues received.

Sec. 402. Of the funds appropriated in section 105, a grant of \$50,000.00 shall be made to Michigan Technological University to be used for a study of the distribution and nature of log truck accidents and the characteristics of log trucks and log loads. The findings of this study shall be forwarded to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director.

CRIMINAL JUSTICE DATA CENTER

Sec. 501. The money appropriated in section 107 for computer services shall be funded by LEIN user fees sufficient to pay 1/3 of the service and contract maintenance costs of the LEIN mainframe computer system.

Sec. 503. A portion of the funds appropriated in section 107 for the criminal justice data center shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the law enforcement information network. The report shall include a description of departmental measures to protect the security of information in the law enforcement information network including safeguards that would prevent unauthorized persons from obtaining information from the law enforcement information network. The department shall deliver a copy of this report to the senate and house appropriations committees no later than April 1, 2001.

Sec. 504. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the law enforcement information network. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the law enforcement information network and determine whether or not those incidents were illegal. In those incidents which may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. When an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

FORENSIC SCIENCES

Sec. 601. It is the intent of the legislature that the grant to the city of Detroit under section 108 be allocated by the city to supplement the city's appropriations for the Detroit crime lab and the Detroit police special events account. The city of Detroit shall provide a report to the department detailing the expenditures made and the services provided from the money appropriated for the grant. This report shall be forwarded by the department to the house and senate appropriations subcommittees on state police, the house and senate fiscal agencies, and the state budget director by January 15, 2001.

Sec. 602. (1) The department shall distribute a copy of the department's protocol for retaining and purging DNA analysis samples and records to each police agency in this state.

(2) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies whenever any changes to the department's DNA protocol are made.

COMMISSION ON LAW ENFORCEMENT STANDARDS

Sec. 701. The money appropriated to the COLES for maintenance and delivery of training to locals is provided in accordance with a state reimbursement policy in which 100% of the determined state reimbursement rate shall be distributed upon certification by the COLES.

Sec. 702. The money appropriated in section 109 for community policing coordination shall be used by the department to work in conjunction with local criminal justice agencies to implement and update an appropriate curriculum to support community policing. The department shall work as a coordinator to deliver community policing training.

Sec. 703. From the appropriations in section 109 for the training of new Michigan state troopers, other new police officers in the state, and the continuing education of all law enforcement officers in the state, sufficient funds shall be used for the purpose of including curricula on the content and application of federal firearms laws, including the procedures necessary for law enforcement to use to turn appropriate cases over to the federal bureau of alcohol, tobacco and firearms or any other applicable federal criminal justice agency.

EMERGENCY MANAGEMENT

Sec. 801. (1) The state director of emergency management may expend money appropriated under this act to call upon any agency or department of the state or any resource of the state to protect life or property or to provide for the health or safety of the population in any area of the state in which the governor proclaims a state of emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33, or under the emergency management act, 1976 PA 390, MCL 30.401 to 30.420. The state director of emergency management may expend the amounts the director considers necessary to accomplish these purposes. The director shall submit to the state budget director as soon as possible a complete report of all actions taken under the authority of this section. The report shall contain, as a separate item, a statement of all money expended that is not reimbursable from federal money. The state budget director shall review the expenditures and submit recommendations to the legislature in regard to any possible need for a supplemental appropriation.

(2) In addition to the money appropriated in this act, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing emergency management training to local or private interests and for the purpose of supporting emergency preparedness, response, recovery, and mitigation activity.

UNIFORM SERVICES

Sec. 901. The department shall not expend any portion of the money appropriated in this act, including any expenditure made under an executive order, to plan for or to implement a roadblock or check lane system that has as its primary objective the deterrence or detection of intoxicated drivers in this state.

Sec. 902. It is the intent of the legislature that the department maintain the maximum number of troopers on the road from the available money appropriated in this act.

Sec. 903. State police enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from responding to crimes in progress or other emergency situations, and are responsible for protecting every citizen of this state from harm.

Sec. 905. Of the funds appropriated in section 112 for reimbursed services, up to \$500,000.00 shall be expended for construction zone traffic law enforcement.

Sec. 906. Money appropriated under section 112 for firearms awareness and safety shall be expended by the department, in collaboration with the Michigan State University school of criminal justice, to develop a curriculum for K-12 students on gun awareness and safety, and to train 400 police officers to deliver the curriculum to school-age youth. The gun safety curriculum shall include teaching children to prevent gun accidents by instructing them to “stop, don’t touch, leave the area and tell an adult” should a child encounter a gun. The curriculum shall not include instruction on how to use a gun.

SPECIAL OPERATIONS

Sec. 1001. (1) Money appropriated under section 113 for the Michigan public safety communications system shall be expended upon approval of an expenditure plan by the state budget director.

(2) The department of state police shall assess all subscribers of the Michigan public safety communications system reasonable access and maintenance fees.

(3) All money received by the department of state police under this section shall be deposited to the state general fund pursuant to section 443 of the management and budget act, 1984 PA 431, MCL 18.1443.

(4) The department of state police shall provide a report to the house and senate appropriations committees, house and senate fiscal agencies, and the state budget director on April 15, 2001, and on October 15, 2001, indicating the amount of revenue collected under this section and deposited to the state general fund for the immediately preceding 6-month period.

Sec. 1002. In addition to the appropriations in section 113 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft.

CRIMINAL INVESTIGATIONS

Sec. 1101. (1) There is sufficient money appropriated in section 114 to criminal investigations to ensure that the citizens in a service area of any state police post in the vicinity of a state prison do not experience a downgrading of state police services in their area. Criminal investigations shall be available by temporary or permanent assignment of a detective when either a temporary or permanent prison facility is opened.

(2) If the department is unable to comply with subsection (1) and there is a prison scheduled to open, the department shall provide troopers to serve as investigators on an interim basis.

Sec. 1102. In addition to the money appropriated in part 1, the department may receive and expend state restricted funds for the support of the private security guard licensure program. Expenditures for the support of the private security guard licensure program shall not exceed revenues received.

MOTOR CARRIER ENFORCEMENT

Sec. 1201. The appropriation in section 115 for school bus inspections shall be used by the department of state police to inspect each school bus and pupil transportation vehicle annually, as required under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The department shall award a certificate to a school system if the system’s school buses all received a 100% successful state inspection upon the first inspection in a given year.

CENTRAL RECORDS

Sec. 1301. Of the funds appropriated in section 106, there are sufficient funds for the department to gather and report statistical information on applications for pistol purchases in the state during fiscal year 2000-2001. A report shall be produced that will include a statistical sampling of several hundred applications in the state from a variety of jurisdictions, including those from both rural and urban areas of the state. The data collected shall include the number of background checks performed, the number of persons failing background checks according to various state and federal regulations, and the specific reason for each of the pistol purchases denied. The report shall be delivered to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than November 15, 2001.

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Cameron Brown
John Pappageorge
A. T. Frank
Conferees for the House

Philip E. Hoffman
Walter North
Jackie Vaughn III
Conferees for the Senate

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. 549

Yeas—37

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

Nays—0

Excused—1

Hart

Not Voting—0

In The Chair: Schwarz

House Bill No. 5284, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2001; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 5284, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2001; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Recommends:

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

1. Amend page 2, line 5, by striking out "\$2,993,030,600" and inserting "\$2,990,967,600".
2. Amend page 2, line 10, by striking out "\$2,982,571,100" and inserting "\$2,980,508,100".
3. Amend page 2, line 14, by striking out "862,749,000" and inserting "868,912,000".
4. Amend page 2, line 17, by striking out "918,449,000" and inserting "924,612,000".
5. Amend page 2, line 22, by striking out "1,033,898,200" and inserting "1,031,307,800".
6. Amend page 2, line 25, by striking out "705,183,800" and inserting "707,774,200".
7. Amend page 3, line 5, by striking out "\$8,226,000" and inserting "\$0".
8. Amend page 3, line 26, by striking out all of line 26.
9. Amend page 4, following line 1, by inserting:
"STF grant to attorney general 2,590,400".
10. Amend page 4, line 22, by striking out "58,482,500" and inserting "55,892,100".
11. Amend page 4, line 24, by striking out "12,499,500" and inserting "15,089,900".
12. Amend page 8, line 4, by striking out "214,803,000" and inserting "220,966,000".
13. Amend page 8, line 8, by striking out "592,890,500" and inserting "589,890,500".
14. Amend page 8, line 10, by striking out "\$2,108,971,500" and inserting "\$2,112,134,500".
15. Amend page 8, line 14, by striking out "841,549,000" and inserting "847,712,000".
16. Amend page 8, line 19, by striking out "\$3,000,000" and inserting "\$0".
17. Amend page 10, line 21, by striking out all of line 21.
18. Amend page 11, line 1, by striking out "\$32,705,800" and inserting "\$27,479,800".
19. Amend page 11, line 12, by striking out "\$5,226,000" and inserting "\$0".
20. Amend page 12, line 14, by striking out "\$2,058,422,100.00" and inserting "\$2,050,196,100.00".
21. Amend page 12, line 16, by striking out "\$1,161,228,500.00" and inserting "\$1,158,228,500.00".
22. Amend page 12, line 23, by striking out "592,890,500" and inserting "589,890,500".
23. Amend page 13, line 8, by striking out "\$1,161,228,500" and inserting "\$1,158,228,500".
24. Amend page 18, line 13, after "a" by inserting "1-time".
25. Amend page 21, line 1, by striking out all of section 320.
26. Amend page 22, following line 9, by inserting:
"Sec. 334. With regard to interdepartmental contracts between the department and the attorney general, the department shall determine how much time the attorney general spends on services financed with transportation funds. The determination shall include a breakdown of the following:
(a) The time spent by the attorney general on activities which are general in nature and which are of benefit to all transportation programs or which cannot be readily identified with specific transportation programs.
(b) The time spent by the attorney general on activities which are of specific benefit to state trunkline programs, local road agency programs, public transportation programs, and aeronautics programs, respectively."
27. Amend page 22, following line 12, by inserting:
"Sec. 337. The department may provide funding for widening and resurfacing Grand River avenue between Beck and Novi roads, in the city of Novi, and in coordination with current project improvements."
28. Amend page 22, following line 27, by striking out all of section 341.
29. Amend page 22, following line 27, following section 343, by striking out all of section 344.
30. Amend page 24, following line 15, by inserting:
"(5) Twenty percent of all federal aid bridge funds shall be allocated to the critical bridge fund for the purpose of repairing or replacing bridges in the local off-system categories and local on-system categories." and renumbering the remaining subsections.
31. Amend page 25, line 25, after "247.913" by inserting a comma and "and section 11b of 1951 PA 51, MCL 247.661b".
32. Amend page 29, line 2, after "up to" by striking out "\$4,000,000.00" and inserting "\$400,000.00".

33. Amend page 29, line 11, after “the” by striking out “appropriation to county road commissions” and inserting “local federal aid and road and bridge construction appropriation”.

34. Amend page 29, line 12, after “\$3,000,000.00” by striking out “from the state general fund”.

35. Amend page 31, line 7, after “up to” by striking out “\$5,000,000.00” and inserting “\$500,000.00”.

36. Amend page 31, following line 16, by inserting:

“Sec. 614. From funds appropriated in part 1, the department may construct a 1-mile extension of the soundwall and pursue other noise abatement measures along I-696 in Southfield.”.

37. Amend page 34, following line 27, by inserting:

“Sec. 717. As a condition of receiving funds from the local bus operating appropriation, DDOT and SMART shall jointly submit to the house of representatives and senate appropriations subcommittees on transportation and to the house and senate fiscal agencies copies of reports prepared by KPMG Peat Marwick regarding merger or coordination of services between the 2 systems. On or before November 1, 2000, the directors of DDOT and SMART shall jointly report to the house of representatives and senate appropriations subcommittees on transportation the findings of the KPMG Peat Marwick report.”.

38. Amend page 39, line 8, after “part 1” by inserting “from the comprehensive transportation fund for rail passenger service”.

39. Amend page 39, line 9, after “with” by striking out “Amtrak or another” and inserting “a rail”.

40. Amend page 39, line 10, after the second “Chicago” by striking out the balance of the subsection and inserting “on a 7-day basis.”.

41. Amend page 39, line 13, after “with” by striking out “Amtrak” and inserting “the rail carrier”.

42. Amend page 40, line 4, after “(4)” by striking out “The” and inserting “If the chosen rail carrier is Amtrak, the”.

43. Amend page 40, line 6, after “costs” by inserting “prior to receiving any state funding”.

44. Amend page 40, line 8, after “(5)” by striking out “Amtrak” and inserting “The rail carrier”.

45. Amend page 40, line 9, after “monitor” by striking out “and collect” and inserting a comma and “collect, and resolve”.

46. Amend page 40, line 19, after “shall” by inserting “continue to”.

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

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2001; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Judith Scranton
Jon Jellema
Conferees for the House

Philip E. Hoffman
Joe Young, Jr.
Conferees for the Senate

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. 550

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
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—1

Hart

Not Voting—0

In The Chair: Schwarz

House Bill No. 5280, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

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

House Bill No. 5280, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Recommends:

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

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of military and veterans affairs for the fiscal year ending September 30, 2001, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Full-time equated unclassified positions	7.0	
Full-time equated classified positions	1,081.0	
GROSS APPROPRIATION	\$	101,172,700
Total interdepartmental grants and intradepartmental transfers	\$	0
ADJUSTED GROSS APPROPRIATION	\$	101,172,700
Total federal revenues		35,952,600
Total local revenues		0
Total private revenues		375,000
Total other state restricted revenues		22,988,200
State general fund/general purpose	\$	41,856,900

Sec. 102. HEADQUARTERS AND ARMORIES

Full-time equated unclassified positions	7.0
Full-time equated classified positions	144.0

	For Fiscal Year Ending Sept. 30, 2001
Headquarters and armories—105.0 FTE positions	\$ 10,392,200
Unclassified military personnel.....	616,900
Military appeals tribunal.....	900
Michigan emergency volunteers and civil air patrol.....	25,000
State active duty.....	60,100
Challenge program—39.0 FTE positions	2,808,400
GROSS APPROPRIATION	\$ 13,903,500
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	4,017,700
Special revenue funds:	
Armory rentals.....	350,000
Mackinac bridge authority	40,000
State general fund/general purpose	\$ 9,495,800
Sec. 103. MILITARY TRAINING SITES AND SUPPORT FACILITIES	
Full-time equated classified positions229.0	
Military training sites and support facilities—229.0 FTE positions	\$ 15,541,000
Military training sites and support facilities test projects.....	100,000
GROSS APPROPRIATION	\$ 15,641,000
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	11,920,200
Special revenue funds:	
Test project fees.....	100,000
State general fund/general purpose	\$ 3,620,800
Sec. 104. DEPARTMENTWIDE APPROPRIATIONS	
Departmentwide accounts	\$ 2,147,400
Special maintenance - state.....	616,200
Special maintenance - federal	2,302,000
Military retirement.....	2,231,900
Counter narcotic operations	50,000
Starbase grant	402,000
GROSS APPROPRIATION	\$ 7,749,500
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	3,976,000
DOJ-DEA	50,000
State general fund/general purpose	\$ 3,723,500
Sec. 105. VETERANS SERVICE ORGANIZATIONS	
American legion.....	\$ 886,000
Disabled American veterans.....	732,400
Marine corps veterans	336,300
American veterans of World War II and Korea.....	464,800
Veterans of foreign wars	886,000
Michigan paralyzed veterans of America	165,700
Purple heart.....	157,900
Veterans of World War I.....	100
Polish legion of American veterans.....	41,200
Jewish veterans of America.....	41,200
State of Michigan council Vietnam veterans of America.....	159,500
Catholic war veterans.....	13,300
GROSS APPROPRIATION	\$ 3,884,400
Appropriated from:	
State general fund/general purpose	\$ 3,884,400

For Fiscal Year
Ending Sept. 30,
2001

Sec. 106. GRAND RAPIDS VETERANS' HOME

Full-time equated classified positions	539.0	
Grand Rapids veterans' home—539.0 FTE positions		\$ 41,539,300
Board of managers		300,000
GROSS APPROPRIATION		\$ 41,839,300

Appropriated from:

Federal revenues:

DVA-VHA		11,688,200
HHS-HCFA, Medicare, hospital insurance		663,100

Special revenue funds:

Private - veterans' home post and posthumous funds		300,000
Income and assessments		13,537,600
Lease revenue		35,000
State general fund/general purpose	\$	15,615,400

Sec. 107. D.J. JACOBETTI VETERANS' HOME

Full-time equated classified positions	153.0	
D.J. Jacobetti veterans' home—153.0 FTE positions		\$ 12,992,500
Board of managers		75,000
GROSS APPROPRIATION		\$ 13,067,500

Appropriated from:

Federal revenues:

DVA-VHA		3,311,900
HHS-HCFA, Medicare, hospital insurance		325,500

Special revenue funds:

Private-veterans' home post and posthumous funds		75,000
Income and assessments		4,189,300
State general fund/general purpose	\$	5,165,800

Sec. 108. MICHIGAN VETERANS' TRUST FUND

Full-time equated classified positions	16.0	
Veterans' affairs directorate administration—3.0 FTE positions		\$ 351,200
Administration—13.0 FTE positions		989,800
Veterans' trust fund grants		3,746,500
GROSS APPROPRIATION		\$ 5,087,500

Appropriated from:

Special revenue funds:

Michigan veterans' trust fund		4,736,300
State general fund/general purpose	\$	351,200

PART 2**PROVISIONS CONCERNING APPROPRIATIONS****GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2000-2001 is \$64,845,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2000-2001 is \$120,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**MILITARY TRAINING SITES AND SUPPORT FACILITIES**

Payments in lieu of taxes	\$	70,000
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MICHIGAN VETERANS' TRUST FUND

County counselor travel expenses	\$	50,000
TOTAL	\$	120,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Department" means the department of military and veterans affairs.
- (b) "Director" means the director of the department of military and veterans affairs.
- (c) "DOD" means the United States department of defense.

- (d) "DOD-DOA-NGB" means the DOD department of the army, national guard bureau.
- (e) "DOJ" means the United States department of justice.
- (f) "DOJ-DEA" means the DOJ drug enforcement agency.
- (g) "DVA" means the United States department of veterans' affairs.
- (h) "DVA-VHA" means the DVA veterans' health administration.
- (i) "FTE" means full-time equated.
- (j) "HHS" means the United States department of health and human services.
- (k) "HHS-HCFA" means the HHS health care financing administration.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department or to positions that are funded with 80% or more federal or restricted funds.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services. The state budget director shall report by the fifteenth of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$2,900,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,500,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. The department shall continue to pilot the use of the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or legislative Intranet site. The senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the department shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report, and a list of those reports expected to be transmitted in the following quarter.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 212. The department may provide advice and assistance to nonprofit organizations in the state who seek the acquisition of surplus military equipment for display or museum purposes.

Sec. 214. The department shall create and retain reports for all money appropriated under part 1.

Sec. 216. (1) Of the funds appropriated in section 103 for military training sites and support facilities, there shall be established a Michigan national guard education assistance program. Disbursements to the educational assistance program shall not exceed \$2,000,000.00 without legislative approval. Under the program, a member of the national guard who is in active service and who enrolls as a full- or part-time student at a public or private state college or university may be eligible to receive up to an equivalent of 50% of the total cost of tuition not to exceed \$2,000.00, as education assistance, in any academic year.

(2) An eligible person means a member of the Michigan national guard who is in active service, as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505. An eligible person does not include a member of the Michigan national guard or air national guard who is absent without leave or who is under charges as described in the Michigan code of military justice of 1980, 1980 PA 523, MCL 32.1001 to 32.1148.

(3) The department of military and veterans affairs, office of the adjutant general shall administer the education assistance program and prescribe forms and procedures to effectively carry out the education assistance program.

(4) An eligible person shall apply to the department of military and veterans affairs, office of the adjutant general for education assistance and shall provide evidence of attendance and completion of the course of study with a grade of at least 2.0 on a 4.0 scale, or its equivalent. The adjutant general shall approve the application for reimbursement if the applicant meets the definition of an eligible person under subsection (2) and other criteria as established by the adjutant general.

(5) The education assistance program applies to any course of instruction that is included in an associate, undergraduate, or postgraduate degree program offered by a college or university of this state.

(6) The education assistance program applies to an eligible person notwithstanding any other educational incentive or benefit received by the eligible person under any other educational assistance program provided by any other state.

(7) An eligible person who successfully completes the course of study with a grade of at least 2.0 on a 4.0 scale, or its equivalent, shall be eligible for reimbursement.

(8) The department of military and veterans affairs may use funds from the appropriated funds to administer the education assistance program.

(9) Reimbursed members who do not complete their national guard obligation shall pay the state for money received from the state for tuition. Members who fail to repay the state within the time limits established by the adjutant general shall be indebted to the state. The department shall work in conjunction with the department of treasury for inclusion in the tax intercept program for amounts due the state.

(10) A portion of the funds for the Michigan national guard education assistance program may be used by the department for the purpose of promoting the program and for encouraging those persons the department wishes to have enlist or reenlist in the Michigan national guard.

Sec. 217. In conjunction with the department of transportation, the department of military and veterans affairs shall develop plans for the maintenance, scheduling, and use of all state-owned, noncombat aircraft. It is the intent of the legislature that these plans maximize the cost-efficient use of the state transportation air fleet. The departments shall prepare a joint report, coordinated by the department of transportation, on the development of these plans.

HEADQUARTERS AND ARMORIES

Sec. 301. Money appropriated in this act for the military duty contingency fund shall be used to fund nonfederally supported missions of the national guard when called to state duty.

Sec. 302. The department may charge a reasonable rental fee for renting an armory. The fee shall include the cost of overtime compensation, insurance coverage, and any maintenance required.

Sec. 303. Of the funds appropriated in section 102 for Michigan emergency volunteers and civil air patrol, \$20,000.00 shall be appropriated for the civil air patrol and \$5,000.00 shall be appropriated for the Michigan emergency volunteers. The appropriations for the civil air patrol shall be used for the purchase of search and rescue equipment.

DEPARTMENTWIDE APPROPRIATIONS

Sec. 401. Money available from the Michigan national guard armory construction fund created in section 382a of the Michigan military act, 1967 PA 150, MCL 32.782a, is appropriated for expenditure for the purposes specified in that section.

VETERANS SERVICE ORGANIZATIONS

Sec. 501. (1) Money appropriated in section 105 for grants to veterans service organizations shall be used only for salaries, wages, related personnel costs, training, and equipment for accredited veteran service advocacy officers and necessary support and managerial staff. Training shall be provided for service advocacy officers and shall be conducted by accredited advocacy officers.

(2) To receive a grant from the money appropriated in section 105, a veterans service organization shall meet the following eligibility requirements:

(a) Be congressionally chartered by the United States Congress.

(b) Be an active participating member of the Michigan veterans organizations' rehabilitation and veterans service committee and abide by its rules, guidelines, and programs.

(c) Demonstrate the receipt of monetary or service support from its own organization.

(d) Comply with the department's and the legislature's requirements of accounting audits, service work activity, accounting of recoveries, listing of volunteer hours, budget requests, and other requirements specified in subsection (3).

(e) For a veterans service organization founded after September 30, 1989, be in operation and providing service to Michigan veterans for not less than 2 years before receiving an initial state grant. During this 2-year period of time, the organization shall file a listing of service work activity and an accounting of recoveries with the department, the senate and house fiscal agencies, and the senate and house of representatives subcommittees on military affairs on forms as prescribed by the department.

(3) A veterans service organization receiving a grant from the money appropriated in section 105 shall file with the department a certified accounting of its expenditures within 120 days after the organization's fiscal year end. Each organization shall provide a detailed budget request for the fiscal year ending September 30, 2002 to the department by November 15, 2000 within the format as prescribed by the department to be used in the development of the budget for the fiscal year ending September 30, 2002. Each veterans service organization shall provide 5 copies of a listing of all service activity, an accounting of recoveries, and a listing of volunteer hours for the fiscal year ending September 30, 2000 to the department by January 31, 2001. The listing of volunteer hours shall include the hours, services, and donations provided to residents of the Grand Rapids veterans' home and the D. J. Jacobetti veterans' home. Each veterans service organization shall provide a copy of the most recent and completed internal revenue service form 990 to the department at the end of the fiscal year ending September 30, 2000. A veterans service organization receiving a grant from the money appropriated in section 105 shall use the forms recommended by the Michigan veterans organizations' rehabilitation and veterans service committee for filing reports required by this act. The department shall forward information required under this section to the senate and house fiscal agencies and to the senate and house of representatives appropriations subcommittees on military affairs.

Sec. 502. Appropriations in section 105 for veterans service organizations shall include funding to provide services to veterans of World War I.

VETERANS' HOMES

Sec. 601. Appropriations in this act for the Grand Rapids veterans' home and the D. J. Jacobetti veterans' home shall not be used for any purpose other than for veterans and veterans' families.

Sec. 602. The Grand Rapids veterans' home and the D. J. Jacobetti veterans' home, together with the department and the department of management and budget, shall produce and deliver to the senate and house of representatives appropriations subcommittees on state police and military affairs an annual written report. The report shall include an accounting of member populations and bed space available; a description and accounting of services and activities provided to members; financial information; current state nursing home licensure status; the steps required for Medicaid certification, including a listing of any personnel, equipment, supplies, or budgetary increases required; and whether or not steps are being taken toward Medicaid certification. The annual report shall be submitted to the senate and house of representatives appropriations subcommittees on military affairs no later than February 1, 2001.

Sec. 603. The money appropriated in this act for the boards of managers may be expended for facility improvements, the purchase and repair of equipment and furnishings, member services, and other purposes that benefit the Grand Rapids veterans' home and the D. J. Jacobetti veterans' home.

Sec. 604. The money appropriated in this act for the boards of managers of the Grand Rapids veterans' home and the D. J. Jacobetti veterans' home shall be considered a work project account, and unexpended money remaining at the close of the fiscal year shall not lapse to the general fund but shall be carried forward to the subsequent fiscal year.

VETERANS' TRUST FUND

Sec. 701. In compliance with the various veterans' benefit programs funded by this state, a veteran who is denied benefits as a result of lack of properly disseminated information or due to misinformation relative to benefit eligibility shall be provided a review hearing by the Michigan veterans' trust fund board.

Sec. 702. The department may receive and expend revenue deposited to the Vietnam veterans memorial monument fund created under section 3 of the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1053.

Sec. 703. (1) By April 1, 2001, the department shall submit to the senate and house of representatives appropriations subcommittees on military affairs a detailed annual report of the Michigan veterans' trust fund for fiscal year 1999-2000. The report shall include information on grants provided from the emergency grant program and the veterans survivor tuition program, including details concerning the methodology of allocations, the selection of emergency grant program authorized agents, and a detailed breakdown of trust fund expenditures for that year. The report shall also provide an update on the department's efforts to reduce program administrative costs.

(2) The annual report required under subsection (1) shall provide detailed information on the number of emergency grant applications denied during fiscal year 1999-2000, including an accounting of the reasons for denial. This information also shall include the number of persons denied an emergency grant because of individual ineligibility, because of insufficient funds, and because the applicant's request did not meet minimum program criteria.

(3) The annual report required under subsection (1) shall contain information on the veterans survivors tuition program, including the number of participants, where the participants attended school, payments made to each school, the average grade point and number of college credits earned by each participant, the number of participants suspended by the program, and the number of participants who earned a degree during fiscal year 1999-2000.

Sec. 704. The Michigan veterans affairs directorate administration and the Michigan veterans trust fund administration shall take steps to assist the county veterans counselors of the state to obtain training necessary for the execution of their duties.

Sec. 705. The Michigan veterans' memorial park commission may receive and expend gifts, contributions, and bequests from any person, public or private corporation, organization, foundation, governmental entity, or any other source for the purpose of establishing a veterans' memorial park as described in Executive Order No. 1992-4. Money

contributed to the Michigan veterans' memorial park commission shall be deposited in the state treasury through the department and shall be available for expenditure. Project costs authorized by this act shall not exceed the gifts, contributions, and bequests received. Money under this section and any specific work orders or projects adopted by the Michigan veterans' memorial park commission in accordance with section 451(2) of the management and budget act, 1984 PA 431, MCL 18.1451, do not lapse at the end of this fiscal year but are available for expenditure until September 30, 2002. Expenditures shall be in accordance with methods and procedures approved by the Michigan veterans' memorial park commission, the department, and appropriate state agencies.

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

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Cameron Brown
John Pappageorge
A. T. Frank
Conferees for the House

Philip E. Hoffman
Walter North
Jackie Vaughn III
Conferees for the Senate

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. 551

Yeas—36

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

Nays—1

Jaye

Excused—1

Hart

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 968, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts. The House of Representatives has substituted (H-1) the bill.

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

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

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

1. Amend page 4, line 14, by striking out “44,989,800” and inserting “54,989,800”.
2. Amend page 4, line 19, by striking out “56,001,600” and inserting “66,001,600”.
3. Amend page 4, line 21, by striking out “56,001,600” and inserting “66,001,600”.
4. Amend page 5, line 5, by striking out all of line 5 through line 6.
5. Amend page 5, line 11, by striking out “54,504,800” and inserting “44,504,800”.
6. Amend page 5, line 13, by striking out “54,504,800” and inserting “44,504,800”.
7. Amend page 46, line 6, by striking out “2,414,349” and inserting “2,950,994”.
8. Amend page 46, line 7, by striking out “2,457,092” and inserting “3,003,236”.
9. Amend page 46, line 8, by striking out “1,563,312” and inserting “1,910,793”.
10. Amend page 46, line 9, by striking out “1,611,467” and inserting “1,969,652”.
11. Amend page 46, line 10, by striking out “401,768” and inserting “491,070”.
12. Amend page 46, line 11, by striking out “9,114,794” and inserting “11,140,763”.
13. Amend page 46, line 12, by striking out “1,555,463” and inserting “1,901,200”.
14. Amend page 46, line 13, by striking out “1,464,553” and inserting “1,790,083”.
15. Amend page 46, line 14, by striking out “1,416,381” and inserting “1,731,204”.
16. Amend page 46, line 15, by striking out “748,659” and inserting “915,065”.
17. Amend page 46, line 16, by striking out “10,165,837” and inserting “12,425,424”.
18. Amend page 46, line 17, by striking out “773,316” and inserting “945,203”.
19. Amend page 46, line 18, by striking out “665,265” and inserting “813,135”.
20. Amend page 46, line 19, by striking out “7,142,002” and inserting “8,729,474”.
21. Amend page 46, line 20, by striking out “3,495,535” and inserting “4,272,497”.
22. Amend page 46, line 21, by striking out “44,989,793” and inserting “54,989,793” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

Senator Shugars requested the yeas and nays.

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

The amendments were adopted, a majority of the members voting therefor, as follows:

Roll Call No. 552

Yeas—21

Bennett	Hammerstrom	Miller	Smith, V.
Byrum	Jaye	Murphy	Stille
Cherry	Koivisto	Peters	Van Regenmorter
DeBeaussaert	Leland	Schwarz	Vaughn
Dingell	McCotter	Smith, A.	Young
Emerson			

Nays—16

Bullard	Gast	Johnson	Schuette
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Gougeon	North	Sikkema
Emmons	Hoffman	Rogers	Steil

Excused—1

Hart

Not Voting—0

In The Chair: Hoffman

Senator Koivisto offered the following amendments to the substitute:

1. Amend page 34, following line 23, by inserting:
 “Supplemental revenue sharing payments - counties..... 322,000”.
2. Amend page 34, line 26, by striking out “1,200,000” and inserting “1,522,000” and adjusting subtotals, totals, and section 201 accordingly.
3. Amend page 41, following line 20, by inserting:
 “(eee) Treasury, supplemental revenue sharing payments - counties (estimated amount \$322,000.00).”.
4. Amend page 61, following line 19, by inserting:
 “Sec. 703. The appropriation in part 1 for supplemental revenue sharing payments - counties will be distributed to counties whose 2000 population is less than the counties 1990 population according to the United States bureau of the census. Each county that experiences this population decline shall be eligible to receive a supplemental payment equal to the difference between the amount of fiscal year 2000-2001 total revenue sharing payments the county would have received utilizing their 1990 population and the amount of revenue sharing payments the county received in the fiscal year 2000-2001 pursuant to the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921. The department of treasury shall reduce these supplemental payments proportionally if the amount appropriated in part 1 is insufficient to fully fund these payments. The supplemental payments to eligible counties shall be distributed by September 30, 2001.”.

The amendments to the substitute were adopted.

Senator Byrum offered the following amendment to the substitute:

1. Amend page 32, following line 21, by inserting:
 “(9) **FORENSIC SCIENCES**
 DNA analysis program..... \$ 50,000
 GROSS APPROPRIATION..... \$ 50,000
 Appropriated from:
 State general fund/general purpose \$ 50,000”

and adjusting subtotals, totals, and section 201 accordingly.

The amendment to the substitute was adopted.

Senator Johnson offered the following amendments to the substitute:

1. Amend page 32, following line 18, by inserting:
 “Oakland County sheriff’s mobile command center 50,000”.
2. Amend page 32, line 19, by striking out “2,850,000” and inserting “2,900,000”.
3. Amend page 32, line 21, by striking out “2,850,000” and inserting “2,900,000” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

Senator Miller offered the following amendments to the substitute:

1. Amend page 25, following line 8, by inserting:
 “City of Centerline - emergency vehicle exhaust systems..... 50,000”.
2. Amend page 25, line 11, by striking out “13,950,000” and inserting “14,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

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

Recess

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

The motion prevailed, the time being 7:36 p.m.

7:49 p.m.

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

Senator Shugars offered the following amendment to the substitute:

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

“State of Michigan grant to Kalamazoo legacy of flight	5,000,000
Grant to southwest Michigan innovations center.....	5,000,000”

and adjusting the subtotals, totals, and section 201 accordingly.

The amendment to the substitute was not adopted.

Senator Shugars 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 not voting therefor, as follows:

Roll Call No. 553**Yeas—12**

Bullard	Emmons	Johnson	Schuette
DeGrow	Gougeon	McManus	Shugars
Dunaskiss	Hammerstrom	North	Smith, V.

Nays—25

Bennett	Goschka	Miller	Smith, A.
Byrum	Hoffman	Murphy	Steil
Cherry	Jaye	Peters	Stille
DeBeaussaert	Koivisto	Rogers	Van Regenmorter
Dingell	Leland	Schwarz	Vaughn
Emerson	McCotter	Sikkema	Young
Gast			

Excused—1

Hart

Not Voting—0

In The Chair: Hoffman

Senator Gougeon offered the following amendments to the substitute:

1. Amend page 31, following line 22, by inserting:

“Grant to Bay County marine patrol	50,000”.
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2. Amend page 31, line 23, by striking out “197,000” and inserting “247,000”.

3. Amend page 32, line 1, by striking out “689,000” and inserting “739,000” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

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

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

Roll Call No. 554**Yeas—6**

Byrum	Emmons	Miller	Schwarz
DeBeaussaert	Koivisto		

Nays—31

Bennett	Goschka	McManus	Smith, A.
Bullard	Gougeon	Murphy	Smith, V.
Cherry	Hammerstrom	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetten	Vaughn
Emerson	Leland	Shugars	Young
Gast	McCotter	Sikkema	

Excused—1

Hart

Not Voting—0

In The Chair: Hoffman

Protests

Senators A. Smith and Shugars, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute, as amended, to Senate Bill No. 968.

Senator A. Smith's statement is as follows:

I voted "no" on Senate Bill No. 968 because, first of all, it is probably very dollar heavy, and secondly, because I don't approve of the target process. The members of the Appropriations Committee begin early in January looking at balloons being floated by the executive, and then from late January to today, we are working on budgets. Five or six people go into a back room and undo much of what we've done in the course of a deliberate process. The unfortunate irony here is that it is the intention of the chair of the Appropriations Committee to take this bill to conference and to strip it back to targets, so we're going to lose on the targets question one way or another.

Senator Shugars' statement is as follows:

I voted "no" because of the two amendments, one that passed and the other one was defeated. I supported the \$10 million to bring jobs to Michigan and keep jobs in Michigan. We spent \$188 million for the General Motors plant, and I thought that helping to try to keep Pharmacia in Kalamazoo, Michigan, would bring jobs to Michigan. I'd appreciate it.

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

The motion prevailed.

Senator Shugars' first statement is as follows:

A number of things come to mind. First of all, I'm opposed to this amendment, and I want to share with my colleagues why.

First of all, as far as the process, I've only been here ten years. I've not been on Appropriations, but I have witnessed a tremendous amount of the type of description that the sponsor of the amendment has talked about dealing with certain colleges and universities getting more than their fair share and getting in other budgets line items also. I've witnessed a number of other groups. Some people say it's pork, and some people think it's for this district or that district. But what I want to share with you is that when this bill came out of the Senate, I was against \$10 million for the Legacy of Flight. I spoke in favor of decreasing it from \$10 million to \$1 million. I said that we have a bigger problem in Kalamazoo with the Monsanto merger of Pharmacia-Upjohn, now Pharmacia. We have a tremendous investment in research in Kalamazoo. We have scientists who are the best in the world, and this is at jeopardy of leaving Kalamazoo if we don't give some type of seed. The Southwest Innovation Center gives that seed. The University of Michigan,

Michigan State University, and Western Michigan University are going to work together to try to get the commitment that Pharmacia has made—that 15 percent of the time that their scientists are going to work at this innovation to come up with new technology in medicine and those type of things.

So I urge my colleagues to think of that because we voted on a number of issues that have given tax credits and monies to entice businesses to stay in Michigan. I caution the 6,000 jobs that are with the Pharmacia Company if we don't put in the Southwest Innovation Center. You probably all read about that vice president Don Parfett is no longer going to be with that company starting July 1. The ties to Kalamazoo and to Michigan are leaving. This is something that I think could help Kalamazoo and the state of Michigan to keep those folks here.

The Legacy of Flight, as you know, I supported going from \$10 million to \$1 million. During the break I went down to Marshall's Space and Flight Center and visited and toured that facility. I asked a lot of questions. I am convinced that this type of education and enlightenment to young people on aviation can be an awesome asset to Michigan. The representative who put on this supplement was an amendment that this money could not be used if this Legacy of Flight goes to another state.

Indianapolis wants to bring the Legacy of Flight to Indianapolis. They are doing everything they can to attract them from Michigan to Indianapolis. Keep in mind that this \$5 million doesn't have to stay in Kalamazoo. It goes for the Legacy of Flight. If Battle Creek or somebody else does a better job raising local money and can entice the Legacy of Flight to be in Michigan, that's the important thing, not just Kalamazoo but the state of Michigan. This is \$5 million, and they could be leaving for Indianapolis. If it was any other company, Kellogg Company or anything like that, we would do whatever we could to keep them here. That's going to be a total project of about \$125 million, and what we're asking here is \$5 million. There's already \$40 million on-site with these airplanes and the aviation, and it's unbelievable. The local community has already committed up to \$14 million. The rest of it is going to be private sector. So I urge my colleagues to support the appropriations of the supplemental and turn down this amendment.

Senator Shugars' second statement is as follows:

What this amendment does is it puts \$5 million back into the budget for the Legacy of Flight and the Innovation Center. The reason I'm offering this—I wasn't going to, but listening to the debate of the amendment offered by the Senator from the 24th district, I'm convinced that the process for targets probably is flawed, and we probably should go ahead and put this \$10 million in even though it would be above target. We did accomplish more money on higher education. There's a dispute with the House and the Senate and the Governor with the tier system, and we were able to accomplish that with the previous amendment. I urge my colleagues to support this to try to keep jobs in Michigan and also to bring jobs to Michigan.

Senate Bill No. 661, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by amending the title, as amended by 1991 PA 98, and by adding section 710g.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 1, by striking out all of subsection (3).

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

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

Senate Bill No. 538, 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 House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "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," by amending section 24f (MCL 211.24f), as amended by 1999 PA 248.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Rogers moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 555**Yeas—37**

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

Nays—0**Excused—1**

Hart

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 705, entitled

A bill to regulate the ownership, possession, and care of certain wolf-dog crosses; to prohibit the ownership and possession of certain wolf-dog crosses; to impose fees; to prescribe the powers and duties of certain governmental entities and officials; and to prescribe penalties and provide remedies.

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 amended the title to read as follows:

A bill to regulate the ownership, possession, and care of certain wolf-dog crosses; to prohibit the ownership and possession of certain wolf-dog crosses; to prohibit the false advertising of certain canids as wolf-dog crosses; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Rogers moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 556**Yeas—35**

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

Nays—2

Jaye	North
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Excused—1

Hart

Not Voting—0

In The Chair: Hoffman

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

Senate Bill No. 782, entitled

A bill to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials; and to prescribe penalties and provide remedies.

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 amended the title to read as follows:

A bill to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 557**Yeas—36**

Bennett	Emmons	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
Byrum	Goschka	Miller	Smith, A.
Cherry	Gougeon	Murphy	Smith, V.
DeBeaussaert	Hammerstrom	North	Steil

DeGrow
Dingell
Dunaskiss
Emerson

Hoffman
Johnson
Koivisto
Leland

Peters
Rogers
Schuette
Schwarz

Stille
Van Regenmorter
Vaughn
Young

Nays—1

Jaye

Excused—1

Hart

Not Voting—0

In The Chair: Hoffman

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

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

Senate Bill No. 1209, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 102, 224, 240, and 2213 (MCL 500.102, 500.224, 500.240, and 500.2213), section 224 as amended by 1998 PA 121, section 240 as amended by 1987 PA 261, and section 2213 as added by 1996 PA 517, and by adding chapter 35; and to repeal acts and parts of acts.

(The House amendments, as amended, were concurred in earlier today, the bill given immediate effect, and full title agreed to. See p. 1227.)

Senator Rogers moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House amendments, as amended, were concurred in.

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

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

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

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

Senator Rogers moved to reconsider the vote by which the amendments offered by Senator Hammerstrom to the House amendments were adopted.

The motion prevailed.

The question being on the adoption of the amendments,

Senator Hammerstrom withdrew the amendments.

Senator Hammerstrom offered the following amendments to the House amendments:

1. Amend House Amendment No. 1, page 13, line 13, after “inserting” by striking out “25” and inserting “35”.
2. Amend House Amendment No. 2, page 13, line 15, after “inserting” by striking out “25-CALENDAR-DAY” and inserting “35-CALENDAR-DAY”.

3. Amend House Amendment No. 3, page 13, line 17, after “EXCEED” by striking out “5” and inserting “10”.

The amendments to the amendments were adopted.

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

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

Roll Call No. 558

Yeas—37

Bennett
Bullard
Byrum
Cherry

Gast
Goschka
Gougeon
Hammerstrom

McCotter
McManus
Miller
Murphy

Shugars
Sikkema
Smith, A.
Smith, V.

DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hoffman
Jaye
Johnson
Koivisto
Leland

North
Peters
Rogers
Schuette
Schwarz

Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—1

Hart

Not Voting—0

In The Chair: Hoffman

Senate Bill No. 966, entitled

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

(For Conference Report, see p. 1233.)

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

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

Senate Bill No. 694, entitled

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

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

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

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

Senator Rogers moved that the rule be suspended.

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

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

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

Roll Call No. 559

Yeas—0

Nays—37

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
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

Excused—1

Hart

Not Voting—0

In The Chair: Hoffman

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:

House Bill No. 5832**House Bill No. 5833**

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

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

House Bill No. 4007

The motion prevailed.

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

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

House Bill No. 5832, entitled

A bill to amend 1961 PA 112, entitled “An act to authorize and provide for the issuance and sale of bonds and notes of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation,” by amending the title and sections 1 and 2 (MCL 388.981 and 388.982), the title and section 2 as amended by 1991 PA 64, and by adding sections 1a and 1b.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 560**Yeas—37**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hoffman
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—1

Hart

Not Voting—0

In The Chair: Hoffman

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. 5833, entitled

A bill to amend 1961 PA 108, entitled “An act to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions of the loans and the conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the powers and duties of the superintendent of public instruction and the state treasurer in relation to such loans; to provide for the repayment of such loans; to provide incentives for repayment of such loans; to provide for other matters in respect to such loans; and to make an appropriation,” by amending the title and sections 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 9b, 10, 10a, 11, and 12 (MCL 388.951, 388.952, 388.953, 388.954, 388.954a, 388.955, 388.956, 388.957, 388.958, 388.959, 388.959b, 388.960, 388.960a, 388.961, and 388.962), the title and sections 6 and 9 as amended and section 9b as added by 1991 PA 65, sections 2, 4, and 11 as amended by 1992 PA 228, section 3 as amended by 1985 PA 25, section 4a as amended by 1991 PA 22, section 5 as amended by 1983 PA 124, and section 10 as amended and section 10a as added by 1989 PA 6, and by adding sections 1a, 9c, 10b, 10c, and 11a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Stille offered the following amendment:

1. Amend page 39, line 22, after “OR” by striking out “100%” and inserting “50%”.

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. 561**Yeas—33**

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

Nays—4

DeBeaussaert	Jaye	Peters	Smith, A.
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Excused—1

Hart

Not Voting—0

In The Chair: Hoffman

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

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

House Bill No. 5573, entitled

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

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

The question being on the passage of the bill,

Senator Rogers moved to reconsider the vote by which the amendments offered by Senator Hammerstrom were adopted.

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

The question being on the adoption of the amendments,

Senator Hammerstrom withdrew the amendments.

Senator Hammerstrom offered the following amendments:

1. Amend page 2, line 7, after "than" by striking out "45" and inserting "35".
2. Amend page 2, line 11, by striking out "45-CALENDAR-DAY" and inserting "35-CALENDAR-DAY".
3. Amend page 2, line 13, after "procedure" by inserting "AND FOR A PERIOD OF TIME THAT SHALL NOT EXCEED 10 DAYS IF THE HEALTH CARE CORPORATION HAS NOT RECEIVED REQUESTED INFORMATION FROM A HEALTH PROVIDER".

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. 562**Yeas—37**

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

Nays—0**Excused—1**

Hart

Not Voting—0

In The Chair: Hoffman

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

House Bill No. 5802, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1310, 1310a, 1311a, and 1473 (MCL 380.1310, 380.1310a, 380.1311a, and 380.1473), sections 1310 and 1310a as added by 1999 PA 102, section 1311a as added by 1999 PA 104, and section 1473 as added by 1996 PA 159, and by adding sections 1280b, 1282a, and 1531e and part 20B.

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

The question being on the passage of the bill,

Senator Rogers moved to reconsider the vote by which the amendments offered by Senator Jaye were adopted.

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

The question being on the adoption of the amendments,

Senator Jaye withdrew the amendments.

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

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

The question being on the adoption of the amendment,

Senator Stille withdrew the amendment.

Senator Jaye offered the following amendments:

1. Amend page 18, line 22, after "(3)" by inserting "EACH SCHOOL BUILDING SHALL COLLECT AND KEEP CURRENT ON A WEEKLY BASIS THE INFORMATION REQUIRED FOR THE REPORT UNDER SUBSECTION (2) AND MUST PROVIDE THAT INFORMATION, WITHIN 7 DAYS, UPON REQUEST.".

2. Amend page 18, line 23, after "copy" by inserting "DISAGGREGATED BY SCHOOL BUILDING,".

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

Senator Stille offered the following amendments:

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

"Sec. 371. As used in this part:

(a) "Chief executive officer", EXCEPT AS USED IN SUBDIVISION (B), means the chief executive officer appointed for a qualifying school district under section 374.

(b) "Mayor" means the ~~mayor~~ CHIEF EXECUTIVE OFFICER of the city, ~~in which~~ VILLAGE, OR TOWNSHIP WITH THE GREATEST POPULATION AS OF THE MOST RECENT DECENNIAL CENSUS LOCATED WITHIN THE BOUNDARIES OF a qualifying school district. ~~is located.~~

(c) "Qualifying school district" means a school district of the first class under part 6.

Sec. 372. (1) ~~Not later than 30 days after the effective date of the amendatory act that added this part~~ APRIL 25, 1999 OR, IF A QUALIFYING SCHOOL DISTRICT BECOMES A SCHOOL DISTRICT OF THE FIRST CLASS AFTER APRIL 25, 1999, NOT LATER THAN 30 DAYS AFTER THE DATE THE QUALIFYING SCHOOL DISTRICT BECOMES A SCHOOL DISTRICT OF THE FIRST CLASS, the mayor shall appoint a school reform board for a qualifying school district.

(2) A school reform board established under this section shall consist of the following 7 members:

(a) Six members appointed by the mayor.

(b) For a period of 5 years after the ~~effective date of the amendatory act that added this part~~ DATE OF THE INITIAL APPOINTMENT OF THE MEMBERS OF THE SCHOOL REFORM BOARD APPOINTED UNDER SUBDIVISION (A), the superintendent of public instruction or his or her designee. After this period, the mayor shall appoint the seventh member of the school reform board.

(3) A person who is a current member of the elected school board of a qualifying school district is not eligible for appointment as a member of the school reform board for that qualifying school district. Section 1101(1) does not disqualify any person from appointment to a school reform board under this section or from appointment as an officer under section 374. However, at least a majority of the appointed members of a school reform board must be school electors of the qualifying school district.

(4) Except for the superintendent of public instruction or his or her designee, members of a school reform board shall serve at the will of the mayor. The term of an appointed member shall be 4 years, except that of the members first appointed under subsection (2)(a), 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and 2 shall be appointed for a term of 4 years.

(5) If a member of a school reform board is removed from office by the mayor or is unable to complete his or her term, the mayor shall appoint a successor for the balance of the unexpired term. At the end of a member's term, the mayor shall appoint a successor or reappoint the member.

(6) The mayor shall call the first meeting of the school reform board and shall designate a chairperson of the school reform board from among its members. If there is a vacancy in the office of chairperson, the mayor shall designate a successor.

(7) At the first meeting of the school reform board, the school reform board may elect from among its members other officers as it considers necessary or appropriate. After the first meeting, the school reform board shall meet at least monthly, or more frequently at the call of the chairperson or if requested by 4 or more members.

(8) A majority of the members of the school reform board constitute a quorum for the transaction of business at a meeting of the school reform board. A majority of the members present and serving are required for official action of the school reform board.

(9) Members of the school reform board shall serve without compensation. However, members may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the school reform board.

Sec. 373. (1) Beginning on the effective date of the amendatory act that added this part OR THE DATE ON WHICH A SCHOOL DISTRICT BECOMES A QUALIFYING SCHOOL DISTRICT, the powers and duties of the elected school board of the qualifying school district and of its secretary and treasurer are suspended unless and until a new school board is elected under section 375. However, until the expiration of each individual member's current term, the members of the elected school board of a qualifying school district may continue to meet as an advisory board to provide input to the school reform board on an advisory basis only. Notwithstanding section 417a or any board policy, bylaw, or resolution to the contrary, these advisory board members shall serve without compensation or reimbursement, and funds of the qualifying school district shall not be used to staff or otherwise support the advisory board in any way.

(2) Beginning on the effective date of the amendatory act that added this part OR THE DATE ON WHICH A SCHOOL DISTRICT BECOMES A QUALIFYING SCHOOL DISTRICT, and until appointment of a school reform board for a qualifying school district under this part, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the school reform board or chief executive officer apply to the mayor, and the mayor immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the school reform board or chief executive officer as provided under this part. Within 30 days after appointing a school reform board under this part, the mayor shall initiate a financial audit of the qualifying school district. The mayor shall provide the results of this audit to the school reform board.

(3) Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the chief executive officer apply to the school reform board, and the school reform board immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the chief executive officer as provided under this part.

(4) Upon appointment of a chief executive officer for a qualifying school district under section 374, all provisions of this act that would otherwise apply to the elected school board of the qualifying school district apply to the chief executive officer; the chief executive officer immediately may exercise all the powers and duties otherwise vested by law in the elected school board of the qualifying school district and in its secretary and treasurer, and all additional powers and duties provided under this part; and the chief executive officer accedes to all the rights, duties, and obligations of the elected school board of the qualifying school district. These powers, rights, duties, and obligations include, but are not limited to, all of the following:

(a) Authority over the expenditure of all school district funds, including proceeds from bonded indebtedness and other funds dedicated to capital projects.

(b) Rights and obligations under collective bargaining agreements and employment contracts entered into by the elected school board, except for employment contracts of those employees described in subsection (6).

(c) Rights to prosecute and defend litigation.

(d) Obligations under any judgments entered against the elected school board.

(e) Rights and obligations under statute, rule, and common law.

(f) Authority to delegate any of the chief executive officer's powers and duties to 1 or more designees, with proper supervision by the school reform board.

(5) In addition to his or her other powers, the chief executive officer appointed under this part may terminate any contract entered into by the elected school board of the qualifying school district except for a collective bargaining agreement. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds. A contract terminated by a chief executive officer under this subsection is void.

(6) Beginning on the effective date of the amendatory act that added this part OR THE DATE ON WHICH A SCHOOL DISTRICT BECOMES A QUALIFYING SCHOOL DISTRICT, and until appointment of a school reform board for a qualifying school district under this part, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the mayor. Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under

section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the school reform board. Upon appointment of a chief executive officer for a qualifying school district under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the chief executive officer.

(7) Not later than 90 days after the initial appointment of a chief executive officer under this part, and at least annually thereafter, the chief executive officer with the approval of the school reform board shall develop and submit to the school district accountability board created in section 376 a school district improvement plan that includes at least detailed academic, financial, capital, and operational goals and benchmarks for improvement and a description of strategies to be used to accomplish those goals and benchmarks. The plan also shall include an assessment of available resources and recommendations concerning additional resources or changes in statute or rule, if any, needed to meet those goals and benchmarks. The plan also shall include an evaluation of local school governance issues, including criteria for establishing building-level governance.

(8) A chief executive officer with the approval of the school reform board for the qualifying school district shall submit an annual report to the mayor, governor, school district accountability board created in section 376, and legislature and shall make the annual report available to the community in the qualifying school district. The annual report shall contain at least all of the following:

(a) A summary of the initiatives that have been implemented to improve school quality in the qualifying school district.

(b) Measurements that may be useful in determining improvements in school quality in the qualifying school district. These measurements shall indicate changes from baseline data from the school year before the appointment of the school reform board, and shall include at least all of the following:

(i) Standardized test scores of pupils.

(ii) Dropout rates.

(iii) Daily attendance figures.

(iv) Enrollment figures.

(v) High school completion and other pertinent completion rates.

(vi) Changes made in course offerings.

(vii) Proportion of school district resources devoted to direct educational services.

(c) A description of long-term performance goals that may include statewide averages or comparable measures of long-term improvement.

(9) A school reform board may organize and establish community assistance teams to work with the school reform board to implement a cohesive, full service community school program addressing the needs and concerns of the qualifying school district's population. The school reform board may delegate to a community assistance team the authority to devise and implement family, community, cultural, and recreational activities to assure that the academic mission of the schools is successful. The community assistance teams may also develop parental involvement activities that focus on the encouragement of voluntary parenting education, enhancing parent and family involvement in education, and promoting adult and family literacy.

(10) The mayor, superintendent of public instruction, state board, school district accountability board created in section 376, this state, the city in which a qualifying school district is located, a school reform board established under this part, or a chief executive officer or other officer appointed under section 374 is not liable for any obligation of or claim against a qualifying school district resulting from an action taken under this part.

Sec. 374a. For a period of 1 year after leaving office, a member of a school reform board appointed under this part or a chief executive officer of a qualifying school district or another officer appointed under section 374 is ineligible for election or appointment to any elective office of the qualifying school district or of ~~the~~ A city, VILLAGE, OR TOWNSHIP in which ANY PORTION OF the qualifying school district is located.

Sec. 402. A school district that has a pupil membership of at least 100,000 enrolled on the most recent pupil membership count day is a ~~single~~ first class school district governed by this part."

2. Amend page 30, following line 24, by inserting:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

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. 563**Yeas—37**

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

Nays—0**Excused—1**

Hart

Not Voting—0

In The Chair: Hoffman

Senator Stille offered to amend the title as follows:

A bill to amend 1976 PA 451, entitled “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, by amending sections 371, 372, 373, 374a, 402, 1310, 1310a, 1311a, and 1473 (MCL 380.371, 380.372, 380.373, 380.374a, 380.402, 380.1310, 380.1310a, 380.1311a, and 380.1473), sections 371, 372, 373, and 374a as added and section 402 as amended by 1999 PA 10, sections 1310 and 1310a as added by 1999 PA 102, section 1311a as added by 1999 PA 104, and section 1473 as added by 1996 PA 159, and by adding sections 1280b, 1282a, and 1531e and part 20B.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

House Bill No. 5766, entitled

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

The question being on the motion to reconsider,

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

The motion prevailed.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 9:02 p.m.

9:06 p.m.

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

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

House Bill No. 5418, entitled

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

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 564**Yeas—37**

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

Nays—0**Excused—1**

Hart

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

The Senate agreed to the full title.

Senators Goschka and Shugars 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 and staff, it is with great reservation that I announce to you something that we've known for a couple months now, and that is that my chief of staff, Mark Lemoine, is going to be working for Meijer in government relations.

Mark Lemoine, the son of Donald and Sandra Lemoine, of West Springfield, Massachusetts, also the brother of Eric and Keith Lemoine, has been a very hard worker for us here in the state of Michigan, and he will be sorely missed by all of us. His wife Karla, and two children, Christopher and Courtney, have known him to be a very loving and committed father and husband. Mark Lemoine is one of the true people of integrity whom we've all had the pleasure to know in our time and his time in Lansing.

He's worked for former Senator, and of course, now our Lieutenant Governor, Dick Posthumus. He also has worked for Governor Engler and his campaigns. He's been a legislative aide for Senator Shugars, and he's been chief of staff for myself.

Mark Lemoine is a person who many of you have come to know, and we're going to miss him because he truly is a person who believes in people. He believes in the process. He believes in honesty, character, and integrity.

Mark Lemoine will be missed by this chamber, and he has served the people of this state well. I am so glad to know him as a friend. I think we all owe him a wonderful debt of gratitude, and we should give him a hand.

Senator Shugars' statement is as follows:

I want to say "ditto" to what Senator Goschka said about Mark Lemoine, but I would like to go a little bit further. Mark, when he worked with us, did an outstanding job. There were a number of issues that he worked on and was very successful. He, in fact, convinced me that we should go to a Marilyn Manson concert together. I got to tell you, it was an incredible experience because when the lights went down, and this guy came out on the stage on the cross, everybody lit up these little things.

I said, "What are those?"

And he said, "Those are joints."

I said, "Why are they smoking in a stadium?"

But he explained all those things to me and what that meant. A number of times, Marilyn Manson would say things—the verbiage I won't say here—and I didn't know what they meant. So as a great staffperson he did the research on those songs, and the file was this thick. He hurried up and went through the files and showed me the pictures and stuff. I said, "Oh thanks, Mark. You're very thorough." I know what those things mean now.

To you, Mark, God bless you, and you're an outstanding individual. Keep up your integrity. Keep up your priorities, being a great dad and a great spouse. I'm just really glad I've had the opportunity to work with you. And don't get this wrong, don't misunderstand what I'm saying, I love you, man.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the following bills, now on the order of Third Reading of Bills, be referred to the following committees:

Hunting, Fishing and Forestry

Senate Bill No. 300, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 2 (MCL 28.422), as amended by 1994 PA 338.

Human Resources, Labor, Senior Citizens and Veterans Affairs

Senate Bill No. 158, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 306.

Finance

Senate Bill No. 600, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1999 PA 181.

Technology and Energy**Senate Bill No. 1260, entitled**

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

Senate Bill No. 1263, entitled

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

The motion prevailed.

Senator Rogers moved that the following bills, now on the order of General Orders, be referred to the following committees:

Hunting, Fishing and Forestry**House Bill No. 4534, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 239 (MCL 750.239).

House Bill No. 4543, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 227, 233, 234a, 234d, 234e, 234f, 235, 237, and 237a (MCL 750.227, 750.233, 750.234a, 750.234d, 750.234e, 750.234f, 750.235, 750.237, and 750.237a), section 227 as amended by 1986 PA 8, section 234a as amended by 1996 PA 163, section 234d as amended and section 237a as added by 1994 PA 158, section 234e as added by 1990 PA 321, and section 234f as amended by 1996 PA 80.

Senate Bill No. 512, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43502 and 43537 (MCL 324.43502 and 324.43537), as amended by 1996 PA 585.

House Bill No. 4532, entitled

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

Judiciary**House Bill No. 4544, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 357b (MCL 750.357b), as added by 1990 PA 321.

House Bill No. 4641, entitled

A bill to amend 1970 PA 202, entitled "Explosives act of 1970," by amending sections 5 and 15 (MCL 29.45 and 29.55).

House Bill No. 4642, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 528a (MCL 750.528a), as added by 1986 PA 113.

House Bill No. 4643, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 209a and 212a (MCL 750.209a and 750.212a), section 209a as added by 1998 PA 206 and section 212a as added by 1998 PA 207.

Senate Bill No. 275, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81c.

Senate Bill No. 774, entitled

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

Education**Senate Bill No. 447, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147).

Finance**Senate Bill No. 48, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

Senate Bill No. 1175, entitled

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

Government Operations**Senate Bill No. 1055, entitled**

A bill to repeal 1897 PA 160, entitled "An act to establish a lien upon horses and other animals for the cost of shoeing the same," (MCL 570.351 to 570.363).

Senate Bill No. 957, entitled

A bill to designate December 7 of each year as Pearl Harbor day in the state of Michigan.

Economic Development, International Trade and Regulatory Affairs**Senate Bill No. 1255, entitled**

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

The question being on the motion to refer,

Senator Dingell moved to amend the motion to remove House Bill No. 4532 from referral to committee.

The motion did not prevail.

Senator Dingell 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 voting therefor, as follows:

Roll Call No. 565**Yeas—24**

Byrum
Cherry
DeBeaussaert
Dingell
Dunaskiss
Emerson

Emmons
Goschka
Gougeon
Hammerstrom
Hoffman
Jaye

Koivisto
Leland
McCotter
Miller
Murphy
North

Peters
Shugars
Smith, A.
Smith, V.
Vaughn
Young

Nays—12

Bennett
Bullard
DeGrow

Gast
Johnson
Rogers

Schuette
Schwarz
Sikkema

Steil
Stille
Van Regenmorter

Excused—1

Hart

Not Voting—1

McManus

In The Chair: Schwarz

Senator Young moved to amend the motion to remove Senate Bill Nos. 275 and 774 from referral to committee. The motion did not prevail.

Senator Young requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 566**Yeas—14**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Koivisto
Leland
Miller

Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

McCotter
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Hart

Not Voting—1

McManus

In The Chair: Schwarz

The question being on the motion to refer the bills to the committees,
The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

House Concurrent Resolution No. 107

Senate Resolution No. 186

Senate Resolution No. 187

Senate Resolution No. 188

The resolution consent calendar was adopted.

House Concurrent Resolution No. 107.

A concurrent resolution supporting civic education and declaring the third Friday of September as Michigan's Legislators Back to School Day.

Whereas, Michigan was created as a representative democracy in which all governmental power is inherent in the people who exercise that power through the legislative, executive, and judicial branches; and

Whereas, In recent years, citizen interest in government and knowledge of the political system has declined in part due to a weakening belief in, and a lack of understanding of, the virtues and knowledge needed for a successful republican form of government; and

Whereas, Benjamin Rush, signer of the Declaration of Independence stated "There is but one method of rendering a republican form of government durable and that is by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education and this can be done effectively only by the aid of the legislature"; and

Whereas, The National Conference of State Legislatures (NCSL) has passed a resolution that says that the operation of the state legislatures and the roles of individual legislators are often little understood by citizens, and that public understanding of the institutions and processes of the government is critical to building public trust and confidence; and

Whereas, Civic education is a vital tool to promote greater understanding of the legislative institution and the role of legislators in a representative democracy; and

Whereas, The NCSL urges the nation's state legislatures to promote civic education about representative democracy; and

Whereas, The NSCL has established America's Legislators Back to School Day, a national day on which state legislators across the nation visit schools and classrooms to talk about the legislature and to observe activities in the schools; and

Whereas, Legislators will benefit from interacting with students, teachers, and administrators; now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature supports civic education to promote greater understanding of the legislative institution and the role of legislators in a representative democracy; and be it further

Resolved, That the Michigan Legislature declares that the third Friday in September shall be designated as Michigan's Legislators Back to School Day and urges all members of the legislature to visit schools on that day; and be it further

Resolved, That a copy of this resolution be transmitted to the National Conference of State Legislatures.

The House of Representatives has adopted the concurrent resolution.

Senators Young, Goschka and DeBeaussaert were named co-sponsors of the concurrent resolution.

Senators Steil, Van Regenmorter and Gast offered the following resolution:

Senate Resolution No. 186.

A resolution as a memorial to the life of H. Jack Miller.

Whereas, It is with genuine admiration that the Michigan Senate proudly joins with family, friends, and co-workers to extend praise and tribute to the lifetime achievements of the late H. Jack Miller for over 40 years of service to the Michigan petroleum exploration and production industry; and

Whereas, In 1953, following the death of his father, Clyde B. Miller, H. Jack Miller, along with his two brothers, C. John Miller and Clyde E. Miller, picked up the mantle of oil and gas exploration and production in Michigan and formally incorporated the Miller Brothers name. The Miller Brothers' tradition of being present in every significant oil and gas discovery in Michigan continued through the 1990s; and

Whereas, H. Jack Miller always conducted himself with professionalism, integrity, and as one of the staunchest and most dedicated advocates of the oil and gas industry. His knowledge of oil field practices, legal, and governmental affairs led to his appointment as chairman of the Michigan Oil and Gas Association's (MOGA) hydrogen sulfide committee and chairman of MOGA's dehydrator committee. In 1988, he was elected chairman of the board of MOGA, the highest elected office of the petroleum trade association; and

Whereas, Due to his leadership, expertise, and experience in Michigan's petroleum industry, Mr. Miller was appointed in 1987 to the Michigan Oil and Gas Advisory Board, now the Oil and Gas Advisory Committee. He served continuously as a member of that body, serving in recent years as chairman of the committee until his resignation in December 1999. During his tenure on the committee, H. Jack Miller gave freely of his knowledge of the petroleum industry to benefit both the industry and the people of the state of Michigan. His influence will be felt far into the future; and

Whereas, Mr. Miller's life also reflected his ultimate dedication to his Christian principles and his devotion to his wife Phyllis, their five children, and his loyal family. He served on the Michigan Christian Home Board, Foundation Board of Grand Rapids Baptist Schools, and was a long-time former member of the First Baptist Church of Allegan; now, therefore, be it

Resolved by the Senate, That we offer this posthumous expression of our highest tribute to H. Jack Miller for more than four decades of service to the petroleum industry of Michigan and his lifetime commitment to his family, church, and God; and be it further

Resolved, That a copy of this resolution be transmitted to the family of H. Jack Miller as evidence of the regard in which his memory is held and a token of our highest esteem.

Senator Young offered the following resolution:

Senate Resolution No. 187.

A resolution to recognize the 18th Annual Metro Detroit Youth Day on July 12, 2000.

Whereas, The 18th Annual Metro Detroit Youth Day will be held on July 12, 2000, at Belle Isle's Athletic Field in Detroit. This special event is sponsored by such companies as the Michigan Food and Beverage Association, Detroit newspapers, WDIV-TV 4, Pepsi-Cola Company, Detroit Recreation Department, Spartan Stores, Inc., Fairlane Town Center, K-Mart Corp., Ameritech, Ameritech Pioneers, Blue Cross/Blue Shield and Blue Care Network, WWJ-AM Newsradio 950, Detroit Lions, Kroger Food Stores, WJLB-FM 98, Comcast Cablevision, Sibley Shoes, Compuware, Fraternal Order of Police, MichCon, General Motors, Little Caesars, Bank One, Mexican Industries, Detroit Edison, and many other sponsors including, food and beverage firms and over 100 community and youth organizations, that recognize that leisure and recreation are basic human needs and that youth must use this time to improve the quality of their lives and life's disciplines; and

Whereas, Metro Detroit Youth Day emphasizes the need for physical education facilities and fitness with the need for good sportsmanship. It is acknowledged that young people are a valuable asset to our communities and the foundation of our future. This event is intended to bring together the community and the private sector to enhance relationships and improve cooperation and harmony in our communities. It also provides an opportunity for youth to participate in constructive activities outside their immediate home areas and work with other youngsters and more than 900 volunteers; and

Whereas, Many community groups such as New Detroit, Inc., NAACP, Detroit Urban League, Salvation Army, Boys and Girls Clubs, Boy Scouts, Girl Scouts, YMCA, YWCA, Focus:HOPE, United Way Community Services, Special Olympics, Detroit Police Cadets, and many others are participating as co-sponsors. Outstanding and dedicated community leaders including Edward Deeb of the Michigan Food and Beverage Association; Ernest Burkeen, Detroit Recreation Department; Sergeant Curtis Perry, Detroit Police Cadets; Keith Bennett, Starr Commonwealth Schools; Linda Jimenez, Get Active Detroit Fitness; Benny Napoleon, Detroit Police Chief; Dr. Thomas Moss, Detroit Police Department (retired); and Harold Edwards, MichCon (retired) are co-chairing the event, along with more than 900 volunteers supervising over 17,000 youth who are expected to attend; now, therefore, be it

Resolved by the Senate, That in recognition of the 18th Annual Metro Detroit Youth Day on July 12, 2000, and to acknowledge the positive contributions the private sector has made to our area youth and the community, we hereby salute the organizers of this event; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event in appreciation of their diligent community service and for the high esteem we have for them.

Senator Schwarz offered the following resolution:

Senate Resolution No. 188.

A resolution commending the Michigan Dental Association and its members for their work through the Michigan Donated Dental Services Program.

Whereas, In Michigan, over 603 volunteer dentists and 108 volunteer laboratories have donated their skills and resources to provide dental treatment to the elderly and disabled individuals who cannot afford dental treatment or are not eligible for state-supported dental programs; and

Whereas, Since its inception in October 1995, over \$2 million in dental services have been donated through the Michigan Donated Dental Services Program, providing services to 1,446 individuals; and

Whereas, The efforts of two full-time referral coordinators, volunteer dentists, and dental laboratories are matched with those needing dental services; and

Whereas, Through the financial support of the state of Michigan, the efforts of the Michigan Dental Association and its members, Delta Dental Plan of Michigan, and Foundation of Dentistry for the Handicapped, there is a continuing effort to recruit new volunteer dentists and others who can provide dental services so the number of patients being served can be increased; now, therefore, be it

Resolved by the Senate, That we commend the continued efforts of the Michigan Dental Association, its members, and the Michigan Donated Dental Services Program and their goal of recruiting more dentists and dental professionals to work through the Donated Dental Services Program to provide dental services to those Michiganians who are in dire need of their assistance and care; and be it further

Resolved, That a copy of this resolution be transmit to the Michigan Dental Association as our thanks to them and its members for their volunteer efforts and support for the Michigan Donated Dental Services Program.

Senator Schwarz offered the following concurrent resolution:

Senate Concurrent Resolution No. 39.

A concurrent resolution to memorialize the Congress of the United States to reauthorize the Ryan White Comprehensive AIDS Resources Emergency Act.

Whereas, There are approximately 13,000 people in Michigan infected with HIV. This estimate, which includes projections for undiagnosed cases, reflects patterns mirrored across our country. For certain population groups and localities, the rate of infection is alarmingly high, especially for a condition that was virtually unknown a generation ago; and

Whereas, The Centers for Disease Control reports that approximately 700,000 people are known to be living with AIDS in the United States, with new HIV infections holding steady at roughly 40,000 a year for the last decade. While great strides have been made in treatment, especially in reducing deaths each year, this infection remains a major threat to public health; and

Whereas, The Ryan White Comprehensive AIDS Resources Emergency Act is slated to expire on September 30, 2000. This federal program, which marks its 10-year anniversary this year, provides money for health clinics treating low-income AIDS patients and for training for those caring for HIV-infected individuals. This program has been particularly effective in reaching out to the poor and minorities, groups that are at far greater risk than many others. With the successes that are being realized in HIV treatment, reauthorization of the Ryan White program is of the utmost importance; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to reauthorize the Ryan White Comprehensive AIDS Resources Emergency Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent 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 question being on the adoption of the concurrent resolution,

Senator Rogers moved that the concurrent resolution be referred to the Committee on Health Policy.

The motion prevailed.

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

Senate Resolution No. 178.

A resolution to oppose the Department of Community Health proceeding with any competitive bid process for specialty services without the enactment of enabling legislation.

The question being on the adoption of the resolution,

Senator Hammerstrom offered the following substitute:

A resolution to oppose the Department of Community Health proceeding with any competitive bid process or returning to a fee-for-service system for specialty services without the input of the Michigan Legislature.

Whereas, The Michigan Constitution (Article VIII, Section 8) states "Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously disabled shall always be fostered and supported"; and

Whereas, The Michigan Mental Health Code, 1974 PA 258, provides for the establishment of a state department (Department of Community Health) in order to fulfill the state's obligations. Section 116 of the Code, being MCL § 330.1116, provides, in subsection (2)(b), for this department "...to shift primary responsibility for the direct delivery of public mental health services from the state to a community mental health services program whenever the community mental health services program has demonstrated a willingness and capacity to provide an adequate and appropriate system of mental health services for the citizens of that service area"; and

Whereas, Michigan counties, at the direction of and with full knowledge and support of the state, have been successfully involved in the delivery of mental health care since 1963. In actively pursuing these efforts, the counties have assumed long-term local obligations to facilitate infrastructure and program development for the delivery of mental health services; and

Whereas, The diverse and vulnerable populations addressed in the Department of Community Health's position paper on Competition for Management of Publicly Funded Specialty Services require specialized care by appropriate professional staff and tailored individual and family treatment plans; and

Whereas, It is highly questionable that the assumptions made using a "one size fits all" concept in developing the plan set forth in the department's position paper are in the best interest of those populations needing such diverse services; and

Whereas, There is mounting concern regarding the scope of services to be included in the contracts as well as the regional concept, yet to be defined, compared to the current systems for care delivery; and

Whereas, These concerns focus on anticipated problems with transportation access and increased costs, potential for diminished personalized services, increased response times in emergencies, and multiple other service delivery issues associated with the proposed concept and resultant changes; now, therefore, be it

Resolved by the Senate, That we oppose the Department of Community Health proceeding with any competitive bid process or returning to a fee-for-service system for specialty services without significant input from the Michigan Legislature—that input taking the form of enabling legislation, resolution, or other means of communication with the department; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Community Health.

The substitute was adopted.

The resolution, as substituted, was adopted.

Senator Rogers moved that when the Senate adjourns today, it stand adjourned until Tuesday, June 20.

The motion prevailed.

Committee Reports

The Committee on Farming, Agribusiness and Food Systems reported

House Bill No. 5570, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 3 (MCL 290.643), as amended by 1993 PA 231.

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

1. Amend page 3, line 11, after "BEGINNING" by striking out "JANUARY" and inserting "JUNE 1".
2. Amend page 3, line 13, after the first "STATE." by striking out "THE DIRECTOR SHALL REQUIRE NOTIFICATION TO THE DEPARTMENT OF WHICH ADDITIVE OR ADDITIVES ARE USED TO REPLACE MTBE.".
3. Amend page 3, line 13, after the second "STATE." by striking out "THE DIRECTOR SHALL NOT ALLOW THE LEVEL OF BENZENE IN GASOLINE TO INCREASE AS A REPLACEMENT FOR MTBE.".

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

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:
Meeting held on Wednesday, June 7, 2000, at 8:30 a.m, Room 810, Farnum Building
Present: Senators McManus (C), Stille, Gougeon and Byrum
Excused: Senator Hart

The Committee on Education reported

House Bill No. 5833, entitled

A bill to amend 1961 PA 108, entitled "An act to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions of the loans and the conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the powers and duties of the superintendent of public instruction and the state treasurer in relation to such loans; to provide for the repayment of such loans; to provide incentives for repayment of such loans; to provide for other matters in respect to such loans; and to make an appropriation," by amending the title and sections 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 9b, 10, 10a, 11, and 12 (MCL 388.951, 388.952, 388.953, 388.954, 388.954a, 388.955, 388.956, 388.957, 388.958, 388.959, 388.959b, 388.960, 388.960a, 388.961, and 388.962), the title and sections 6 and 9 as amended and section 9b as added by 1991 PA 65, sections 2, 4, and 11 as amended by 1992 PA 228, section 3 as amended by 1985 PA 25, section 4a as amended by 1991 PA 22, section 5 as amended by 1983 PA 124, and section 10 as amended and section 10a as added by 1989 PA 6, and by adding sections 1a, 9c, 10b, 10c, and 11a; 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.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons and Stille

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 Education submits the following:
Meeting held on Tuesday, June 6, 2000, at 2:00 p.m., Room 110, Farnum Building
Present: Senators Bennett (C), Emmons, Stille, Peters and Leland

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:
Meeting held on Monday, June 5, 2000, at 2:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower
Present: Senators Hammerstrom (C) and Johnson
Excused: Senators Gougeon, Jaye, Goschka, Hart and Vaughn

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5279 submits the following:
Meeting held on Tuesday, June 6, 2000, at 9:30 a.m., Room 521, House Office Building
Present: Senators North, Goschka and A. Smith

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5274 submits the following:
Meeting held on Tuesday, June 6, 2000, at 3:00 p.m., Room 426, Capitol Building
Present: Senators Johnson, Stille and Emerson

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5284 submits the following:
Meeting held on Wednesday, June 7, 2000, at 8:30 a.m., Room 424, Capitol Building
Present: Senators Hoffman and Young
Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 963 submits the following:
Meeting held on Wednesday, June 7, 2000, at 9:00 a.m., Senate Appropriations Room, Capitol Building
Present: Senators Gast (C), Goschka and A. Smith

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5275 submits the following:
Meeting held on Wednesday, June 7, 2000, at 9:30 a.m., Room 424, Capitol Building
Present: Senators Bennett, Stille and Young

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 966 submits the following:
Meeting held on Wednesday, June 7, 2000, at 5:30 p.m., Room 404, Capitol Building
Present: Senators Stille (C), Bennett and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5273 submits the following:
Meeting held on Wednesday, June 7, 2000, at 7:30 p.m., Room 521, House Office Building
Present: Senators McManus, Gast and Koivisto

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 5284 submits the following:
Meeting held on Thursday, June 8, 2000, at 9:15 a.m., Room 425, Capitol Building
Present: Senators Hoffman and Young
Excused: Senator Goschka

Scheduled Meetings

Families, Mental Health and Human Services - Monday, June 26, 9:00 a.m., Cadillac & Nicolet Rooms, University Center, Northern Michigan University, Marquette; Tuesday, June 27, 9:00 a.m., Commission Chambers, 2nd Floor, Governmental Center (City/County Building), Traverse City; Wednesday, June 28, 1:00 p.m., F & G Seminar Rooms, Curtis Hall, Saginaw Valley State University, Saginaw/Bay City; Thursday, July 6, 9:00 a.m. and 1:00 p.m., Northwest Activity Center, 18100 Myers Road, Detroit; Friday, July 7, 9:00 a.m., Theater, Oakland Community College - Royal Oak Campus, Royal Oak (373-3543)

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 9:32 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, June 20, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.